

Closed Caption Log, Council Meeting, 11/6/08

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Mayor Wynn: Good morning.

Good morning, I apologize for our slight delay in getting started. I'm austin, texas mayor will wynn, it's my pleasure to welcome father brion zarsky, associate pastor, st. Vincent de paul catholic church, up if far north austin, between anderson mill and lakeline mall. Please rise.

Thank you, mayor, city manager, mayor pro tem, thank you for this opportunity to stand before you and invite the presence of the lord. I know this invocation time is interfaith time. So accordingly I come as a representation of the christian faith in austin, texas. So -- so I will be praying and evoking in the name of jesus today. Let's bow our heads. Dear lord, you know that we as people of the united states, also people of the great state of texas and in austin, we face a new world in 2008. As we approach 2009. We are on the heels of an historic election. Perhaps never in our history has we faced to many crisis and issues that affect all of our lives. We ask you to grant us wisdom and favor. We ask you to help councilmembers to discern correctly the signs of the times, to not be reactive, but also be proactive in dealing with the issues that are facing not only our city, but our great nation as well. Lord we ask that you give these councilmembers maturity to make the hard decisions that are coming. We ask that you would continue to cause austin to prosper economically and socially and that austin would be a light to the state of texas, to these united states and ultimately to the world. Lord, I believe that you have called austin to be your international gateway city. In the future we will host international events, so the nation and ultimately the world will be watching what we are doing. Let austin be known not just as the live music capitol of the world, the greenest city, not just the most environmentally friendly or even the most technologically friendly and astute city. All of these are important decisions. But let us be known as child friendly, open to change, open to your spirit, where diversity is not just a word warn, it's a pin on our lapels, something that is woven into the very fabric of our lives. Where there is no vision people perish, give us the vision, your vision, the scripture also declares there's a way that seems [indiscernible] to man the ways are the ways of death. Teach us your ways, we would walk in your truth and your life. Give us all strength today as we go over these 96 agenda items. Help these councilmembers, lord, to be good and faithful stewards, the responsibility and privilege that you have afforded them and bless all of us within the sound of my voice, we ask it now in the name of jesus, amen. Thank you.

Mayor Wynn: Thank you, pastor. Folks, before we get down to business, it's a big privilege for us to

welcome from the city of houston the vice mayor pro tem sue lovell. The mayor pro tem was kind enough to drive up here early this morning and ultimately have breakfast and have some nice words with hundreds of city of austin employees who the city manager deployed after hurricane ike. Welcome, sue, proud to have you here.

Thank you, mayor, mayor pro tem, city manager, fellow councilmembers. First, let me just say i come here with a heart full of gratitude from the citizens of the city of houston. Because when we got hit by ike, we got hit pretty good. It was a pretty big mess and we were in a lot of trouble. And one thing that we have learned here in texas is when texans are in trouble, other texans respond. And you responded in a big way. You know, you sent I think probably over about 68 employees, 30 pieces of equipment. You sent your public safety officers. Most importantly, the people that came, and I want to thank you so much, had to leave their families to come and stay with us and help us get through a difficult time. So I - I want to thank you for what you have done. I want to assure you if you are ever in trouble, we'll be there. You just call and we'll come. You know, I come from the city of austin, the houston of vince ryan. Prominently in my office is a picture with vince. On sunday -- on the game saturday I can assure you we were all trying to push that receiver out of bounds for you. [Laughter] you have a great football team that I feel sure will climb their way back up to the number one spot and you'll have a lot of people in houston rooting for you. I bring from the mayor and the councilmembers and the citizens of the city of houston a proclamation that I would like to read in gratitude for what you did for us. Hurricane ike, a major symptom of huge proportions struck the houston area on september 13th through 14th, 2008. Hundred 100 miles an hour winds, I could tell you they are frightening. And driving rain shook our homes, felled our trees, filled our bayous, knocked out much of our water service and almost all of all of our electricity. We and another houstonians went to work. Neighbor helping neighbor. Showing the world that the human spirit is more powerful than a hurricane. That neighbor helping neighbor tradition is strong in texas. Nowhere is it stronger than in the city of austin which was coming to houston's aid even as ike was still blowing. In all, 145 austin employees came to houston working long hours under difficult conditions and far from their own homes. Austin leaders sent employees from 11 different departments and in addition to 30 vehicles or pieces of equipment. Without the assistance of these key personnel, houston would have had a much more difficult time reacting to this major disaster. Words seem inadequate. But on behalf of millions of houstonians affected by the storm, and so generously assisted by the men and women of austin, texas, i thank austin for its invaluable help. Therefore i, bill white, mayor of the city of houston, hereby proclaim NOVEMBER 6th, 2008 AS Thank you austin day. Thank you from the bottom of our hearts. Also, we have about 350 football fields of debris, about 6 feet deep. If you need any mulch or any wood products [laughter], please, please don't hesitate to call. We'll ship them for free. Thank you. Thank you so much.

Thank you. [Applause]

Mayor Wynn: Actually, in addition, of course, to ultimately the hundreds of city of austin employees that were deployed down in houston, also know that as many as 700 city of austin employees then volunteered here in austin in all of our different shelters, all of our different facilities and he we tried to, you know, take care of fellow texans and friends from southeast texas. It was not only our effort city employees in houston where they were desperately needed, also a beautiful volunteer work by city

employees here, you know, for those couple of weeks after ike. So -- on again on behalf of our colleagues, I want to say thank you to a bunch of fine city employees. Also, the -- before we get started, I thought we might take this opportunity. Some of you are probably aware that we had a pretty tragic incident in northeast austin this morning. The media working with has done a pretty good job of trying to keep everybody up to date and informed. I saw some coverage both on television and listened to some on the radio. But I thought we would take this opportunity to ask chief acevedo to perhaps give us a summary update and -- and -- and if there's in way that citizens can help or be informed this would be a good chance.

Good morning, this the austin police department received a call of shots fired at 7600 block of blessing avenue. Officers responded as they arrived in the location they heard gunshots ring out. They spotted a pickup truck with multiple suspects, they immediately engaged in pursuit for about nine minutes. Nine minutes later in the area of berkman and 290 the suspects an baseball donned the vehicle and fled -- abandoned the vehicle and fled on foot. One suspect was armed with an ak 47, he started firing. I'm very proud of the fact that our officer who has only been out of the academy since january was able to return fire. Unfortunately the suspect was pronounced deceased at the scene. We then had four additional suspects that were -- that were at large in the area. Thanks to the media's quick response we were able to get information out to the community, keep people in their homes, stay in their homes. We had a lot of outstanding folks from tips, homeowners hearing barking dogs, we've own other suspect in custody that we have positively identified. An additional person of interest in custody and we have another location that we're working on now. Sadly 2 innocent parties at the 7600 blessing were shot. By the suspect's prior to our arrival. This is true stable in the -- we are very proud of the police chief the men and women the way they responded and just a coordinated effort the scene -- they were able to put together in terms of the containment led us to be able to capture at least one, probably two of the suspects and there may be one more. The location is saturated with police right now. The area is safe. We just asked residents as long as probably for the next hour if you see anything unusual in your yard, you see any door in a storage shed or garage that has been provided open, please call us with -- provided open, please call us. We have police and canines in the area. Great tragedy that occurred. I think as a result of their efforts we have restored order.

Mayor Wynn: We mind us. I know that aisd at least this morning closed a number of the area schools, elementary to and through reagan high school. What's the latest on the school closings?

The six schools that were closed, I apologize, I don't have a list with him. We have been disseminating that through aisd partners will be closed for the day. I think that was done as -- over abundance of safety, we would rather err on the side of caution rather than needlylessless endanger our children. School will be back in session. One thing that is important, these suspects went out planning on engaging in some criminal activity. One of the suspects, deceased had body armor, body armor in the vehicle they abandoned and additional weapons. The school will be back in session tomorrow. I just want to commend aisd and all of our partners for the response that they -- that they made and coordinated efforts. Will the roads likely still be --

there are two crime scenes. The primary crime scene is the officer involved shooting off berkman and

290 also the 7600 block of blessing where the additional crime occurred where the other victims were shot. We should have -- most of those arterial roads should be open already. As a matter of fact I think most of them are except berkman at 290 because that is actually a crime scene where the -- we have too much evidence from the officers firearm and casings and other -- other evidentiary issues that we need to encounter, we will probably still be there for a few more hours.

Mayor Wynn: Thank you, chief. Again, a big thank you to the media for getting that information out this morning, but most importantly, congratulations and thank you to -- to our first responders, police, , for making the scene as safe as it seems to be right now. Thank you, chief.

Mayor Wynn: Having done that, there being a quorum present at this time I will all to order this meeting of the austin city council. THURSDAY, NOVEMBER 6th, , we're in the council chambers at 301 west second street. We have a handful of changes and corrections that I will read into the record. Before I do that, council, we tried to take this opportunity each week to alert our colleagues and the public as to potential upcoming items from council or issues that we believe will be on the dais over the next meeting or two. Councilmember martinez?

Martinez: Thanks, mayor. This past monday, the public safety task force adopted a resolution that will be coming to council. That asks the city manager to come up with a proposal to ban texting while driving your vehicle. It also also asked that we create a group of stakeholders and industry leaders to further discuss and study whether or not using hands -- requiring hands free devices for using your cell phone while driving could be another effective public safety measure. So I plan to bring that on NOVEMBER 20th, OUR NEXT Council meeting, to ask the council to consider that. In addition to that -- sorry.

That's all right.

Martinez: One more item. Something that came up this week in terms of our interlocal agreement process. What we have seen this week is for the second time a potential development and/or zoning issue brought through an interlocal agreement. And while I -- while i completely understand that that is legal and viable, i think that it circumvents the public input process as it relates to zoning. And I would like to see how we can create a transparent public input process when a zoning or developing case comes through an interlocal agreement. So I'll be talking to staff about that today, about what we can do. Because in this particular case, there was a very controversial zoning item coming forward. And many folks are involved in this. Many neighbors are concerned about it. Because the zoning case was propped and now an interlocal agreement between the city and the health care district is being proposed, I believe that has circumvented the public input process. I don't want to see us going down this road of entering into interlocal agreements with other taxing authorities just because we can and circumventing our zoning process.

Mayor Wynn: Thank you, councilmember. Additional likely future items for council? Councilmember morrison?

So to follow on with what councilmember martinez said. I also think it will make sense for us to look at

perhaps working on a comprehensive interlocal agreement with the health care district, just like we have with AISD, so that we can get some basic rules of the road down as we move forward and run into these issues again. So I'll look forward to working on that with my colleague.

Mayor Wynn: Thank you, councilmember. Any additional potential future items? Thank you all very much. With that, council, I will read into the record our changes and corrections to this week's posted agenda. They are -- to note that item 10 is postponed. I guess that means indefinitely. 14, regarding our central library architecture team selection will be postponed to December 11th, 2008. Item 28, regarding our veterans park there on 2200 Veterans Drive, we need to strike the phrase a resolution and insert instead of words an ordinance, which will be what we -- what we are proposing to approve with item no. 28. 34, is to be postponed to November 20th, 2008. And item 43, has been withdrawn. Item 50 will be postponed to DECEMBER 11th, 2008. Our schedule here this morning, as soon as we get through our consent agenda, we do have at least a couple of sort of brief action items to take up, not on the consent agenda. We likely will go into closed session by late in the morning, by noon be out again for general citizens communication. We have afternoon briefings proposed for this afternoon, any time -- excuse me, after 2:00 p.m. The first briefing is regarding environmental protection specifically sort of water quality pond issues. The second briefing is an update of the refined work that city staff and ROMA has been doing regarding the potential for -- for urban passenger rail in Austin. This will be anticipation of the city sooner rather than later submitting that plan to the -- to the CAMPO's transit working group subcommittee. A briefing as to the latest thinking on a potential mostly downtown urban passenger rail system. 00, we will technically recess the city council meeting and take up the meeting of the Austin Housing Finance Corporation. We have a modest agenda to -- of business to conduct with that board. 00 we should be back as the city council conducting our zoning hearings and matters. 30 we break for live music and proclamations. Our musicians today are MOVE, which stands for MOVE Outreach Volunteer Entertainers. Stay tuned for that. 00 we -- we are posted for a potential 96, but I think that I am told that staff will be requesting a postponement of that public hearing. Technically we can't take up that postponement vote until posting time. Council, so far just a handful of items pulled off the consent agenda. Both items 18 and 19 relate to the discussions we'll have in executive session later today. So those won't be on the consent agenda. Item 24 is related to item 19, annex ordinance. It, too, will be pulled off the consent agenda. And then item 21, we will have a -- we will have likely a brief staff presentation regarding the settlement of this lawsuit. Before we then vote on that. And items 47 and 48, both relate to the -- to the sort of the year-long effort by our task force on energy efficiency upgrades to all buildings, single family, multi-family and commercial in town, so we'll have likely a sort of a brief staff and/or task force presentation of those two items before we then potentially take action. So, council, any additional items to be pulled off the consent agenda? Councilmember Morrison?

Excuse me, yes, item no. 45, I wanted to ask that we postpone that until November 20th, SO THAT -- I HAVE Spoken with staff, so we can have a little more conversation about that.

Mayor Wynn: So as part of my consent agenda that I will propose, item 45 will be proposed to be postponed TO -- TO NOVEMBER 20th, 2008. 2008 Additional items to be pulled off the consent agenda? If not, then I will propose a consent agenda numerically. I will take a motion and a second and then open it up for discussion. Where's my screen here? Our proposed consent agenda this morning

will be to 1, which are minutes to -- to both our last regular meeting and a special called meeting of OCTOBER 20th. From austin energy, approving items 2, 3, 4, 5, 6, 7, 8, and 9. We will be postponing item 10 indefinitely. From our contract and land management departments, we'll be approving item 11, 12, 13,, we will be postponing item 14 to our DECEMBER 11th, 2008 Meeting. And then we will be approving item 15. From our economic growth and redevelopment services department, we will be approving item 16 and 17. From our law department, we will be approving item 20. From our library department we will be approving item 22. From our management services department we will be approving item 23, which are -- which is the schedule of the regularly scheduled austin city council meetings from the calendar year 2009, we will get those up on the website as soon as possible. From our neighborhood planning and zoning department approving items 25 and 26. From our parks department, we will be approving item 27. And approving item 28 per changes and corrections, making that an ordinance, not a resolution. From our police department we will be approving item 29, from our public works department, we will be approving items 30, 31 and 32. From our purchasing office, we will be approving items 33, we will be postponing item 34 to our november 20th, 2008 MEETING. And we will also be approving items 35, 36, 37,, 38,, 39, 40, 41 and 42. We will note that item 43 has been withdrawn. We will be approving item 44. We will be postponing item 45, our one item from watered protection and development review department, regarding our pid policies. NOVEMBER 20th, 2008 Meeting. Item 46 technically is withdrawn, this is normally with -- would be our appointments to our board and commissions, but we have none to make this week. So item 46 is of agenda. We will be approving item 49. We will be postponing item 50 TO DECEMBER 11th, 2008. We will be approving item 51. By approving items 52 and 53, we will be setting two public hearings for future council meetings. Also on our addendum, two items on our add agenda, I don't show as gentry, I guess we can just say addendum item 1 and two, 97 and 98. So addenda items the 97 and 98 will also be a part of our consent agenda. Council, I will entertain a motion to approve the consent agenda as proposed. Motion by councilmember martinez, seconded by councilmember shade to approve the consent agenda as proposed. Before I ask for council comments, I think that we do have a couple of citizens who would like to give us some testimony. On some of these items. 7, an agreement with the electric research institute, epri, I believe paul robbins would like to give us testimony. robbins checked the in favor box. Here he comes. Probably outside signing up for more items as we speak. robbins [laughter] item no. 7.

Thank you that was funny. I wanted to express my support for this item. This will allow austin energy to further explore energy storage and it may be seen in history as one of the more farsighted things that the city has ever done, thank you.

Mayor Wynn: Thank you, mr. robbins. Yes, folks in the energy field I've heard it -- energy storage frequently referred to as the holy great deal of the need for a federal energy -- holy grail of the need for a federal energy policy. 48 our ordinance regarding the veterans park, we had a couple of folks that were here to show support, they are welcome to give us testimony if you would like. Derrick israel and al banzer signed up in favor. They are welcome to give testimony or if not we will certainly show their support for the record.

Thank you for the opportunity. My name is al banzer, i reside at 6708 monico drive in austin. I am duly elected commander of post 76. We are in favor of naming THE 6/10th OF AN ACRE OF Parkland, right

below our post, veterans park, thank you for the opportunity. banzer and for serving, one of our glorious facilities in west austin. I believe all of the other citizen testimony we have signed up -- are items that are pulled off the consent agenda. We have a motion and a second on the table approving the consent agenda as proposed. Council comments? Councilmember leffingwell?

Leffingwell: Just a question on 16 and 17 says the funding is available in the budget of economic growth and redevelopment. I'm assuming that money is -- is originally comes from austin energy. Is that correct? That's not general fund money?

Mayor Wynn: I believe austin energy needs to answer councilmember leffingwell's question first. Ms. gale.

Mod knee gonzalez, acting director for economic growth and redevelopment. Egr is a funded department of austin energy, yes, so it is through austin energy. Yes.

Mayor Wynn: I apologize, council, jennifer gale signed up to give us testimony on item -- actually jennifer, item 21 has been pulled off the consent agenda. So we're going to have a brief staff presentation here in just a few minutes on that item.

Thank you, mayor.

We will have your testimony then.

Thank you, mayor wynn.

Mayor Wynn: My suggestion, jennifer is let us have the briefing on item 21 and then we will take your testimony. I think maybe in a matter of 10 or 15 minutes.

Well, I just wants to say, you know, that a human life is worth more. I didn't want to add any more than that. I wanted to speak on 28, veterans park. It's very apropos being veteran's day is coming this next tuesday where we can all enjoy a parade. 00 Starting at ann richards bridge and going to the capitol. But I want that park, I want us to take time to name that park other than veterans park. I think we here in austin can come up with a more creative name. I wanted to address item 30, our -- it's a great idea to put signs up that say 25 miles an hour. We have loss 52 members of our community on our highways this year, 59 last year, possibly 60, slowing down the speed limit is a good idea when we are all living so closely to one another. You know, I had that -- because children are running out into traffic, they are not -- even adults are running out into traffic. If we move a little more slowly on on our highways, i am suggesting we put this -- \$25 -- well, these signs are 2,700. I'm suggesting that we put 25 miles an hour signs throughout austin. Lowering it from the state speed limit of 30 to 25 miles an hour. I want to speak on item 42. We are offering pharmaceuticals to the town lake city in the amount of 5 million and I'm suggesting that we use that money instead of to put our pets, our kiddies and dogs to -- kitties and dogs to sleep, which we do 12 to 13,000 every year, we give those to people that need to learn how to -- to handle and take care of their pets. And teach them, use that money to teach people how to rear their

cats and dogs. And to hand them out to families and individuals that could use a dog or a cat instead of using that money to euthanize. So I would -- I would ask that you resend -- rescind your vote for 42, 5 million in pharmaceuticals to kill our pets. Thank you, mayor, city council, I'm Jennifer Gale, candidate for mayor.

Thank you.

Thank you Jennifer.

Go Marine Corps. Happy birthday, November 10th.

Thank you, Jennifer. Let's see, council, I apologize. I think as now all of our citizen testimony on items on our consent agenda, further council -- I guess councilmember Leffingwell had a -- had a question earlier. I'm not sure if that was answered.

It was answered, mayor.

Mayor Wynn: Okay, thank you. Further council comment? Councilmember Martinez?

Martinez: I wanted a clarification. Is 18 and 19 pulled until after executive session discussion.

Mayor Wynn: Yes, as is 24 that relates to 19.

Martinez: The only other item that I wanted to speak on is number 39. An auctioning service, we have surplus equipment, vehicles, we need to put them up for auction. We have also a stated policy as it relates to surplus equipment and our sister city of Saltillo, I want to make sure that the auctioneers know when we have surplus fire equipment and other equipment, our sister city has first option to pay us fair market value for that equipment. I want to make sure that the auctioneers know that because a few weeks ago I went on their website to [indiscernible] and there were several fire trucks from Austin that were listed on this site. And they were not optioned to Saltillo before they were put on the website. I want to make sure our council adopted policy remains in effect that we give them first option.

Mayor Wynn: Excuse me. Further council comments on our consent agenda? Yes, sir?

Byron Johnson, finance administrative services procurement officer. Yes, we do have a process in place, fleet has the process outlined and a fair market value is established and then it is offered to -- to the sister cities. In fact there are some units right now that the final value is being discussed and determined and then it will be offered to the sister cities. We have talked about that if more than one offers, we will draw lots to be able to fairly determine those. That happens before they are put out on to the website.

Mayor Wynn: Great. Thank you, sir. Any further council comments on our consent agenda? I will just note briefly on a number of Austin energy items on this week's agenda are -- I consider substantial rebates as part of our solar rebate program. Pleased to see how aggressive Austin Energy has been

when it comes to the concept of conservation efficiencies, you will supply renewables, I just am pleased to also see sort of the breadth and spectrum of different companies that tap into that program. Everything on this -- this week everybody from trinity episcopalian school to our budweiser distributorship. So good to see lots of folks taking advantage of that program. Council, we have a motion and a second on the table to approve the consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all very much.

Martinez: Mayor, if I could take a brief point of personal privilege. I know that most of the guys are on the way, but we will be announcing shortly that -- that the firefighters and chief McDONALD AND HIS TEAM HAVE Reached a tentative agreement. I wanted to congratulate them for their tremendous efforts and hopefully the firefighters will ratify this contract and we can move forward. But I wanted to thank them and acknowledge them for all of their hard work and thank chief McDonald and president Steven Truesdale Medicare agreed. I think we will get that briefing in closed session later today. Council, we have taken a couple of things off the consent agenda in order for staff to give us brief presentations. The first of which is item 21, technically posted as the settlement of a lawsuit. I would appreciate a staff presentation before any deliberation or votes.

Thank you, mayor and council. My name is Fred Hawkins with the law department. I'm here to recommend the settlement of a lawsuit on behalf of Ethyl and Freddie Brown and Kevin Brown individually for one million. As you recall, this event took place in June of 2007 at Chester's nightclub. Officer Mike Olson stopped a motorist for loud music when a Chester security guard approached him and informed him about a man with a gun. Officer Olson and another officer approached that man. Officer Olson grabbed the man who then broke away and broke loose and ran away. Officer Olson gave chase and Officer Olson subsequently shot and killed Kevin Brown. Kevin Brown's family filed a lawsuit in a -- in late 2007. And they are represented by a very competent law firm here in town, by Scott Ozman's law firm. With the court's encouragement, the parties went to a mediation last month and negotiated in good faith. We agreed to recommend to you to settle these claims for one million dollars for Kevin Brown's parents and his estate. We have discussed this lawsuit with you in executive session. And went over the law and -- and the incident involved. And after doing so, I'm happy to answer any questions that you have. But otherwise I recommend that you approve this settlement.

Thank you, questions of staff, council? As was mentioned, this proposed settlement that's being brought to us by essentially both our law department and the Austin Police Department was discussed appropriately in -- in detail in closed session last meeting. My understanding as part of these typical negotiations the settlement negotiations themselves are confidential, but obviously the dollar amount of a settlement is not, as we have just heard. I will just say that these cases are always difficult. They are always troubling. There's always lots of -- of facts involved. I just want to commend our negotiating team the effectiveness of negotiations and compassionate awareness that was shown as part of this lengthy process. At some point after we approve this we will have a -- any comments -- a settlement.

Any comments? Councilmember cole?

I know that this incident and other incident preceding it having to do with the relationship relationships between the minority and the police officer has long dominated our discussions for many years in the police department. I want to first of all give my condolences to the brown family, because this is a tragic incident and we are always -- always regret a loss of life. This was an incident that impacted our entire community. I'm also pleased with the negotiating team and being able to bring this to some conclusion. improvement that we have tried to -- and the improvements that we have tried to make in the police department in this regard. With that I will be making a motion that we approve the settlement.

Motion by councilmember cole, seconded by councilmember martinez to approve this proposed settlement, item no. 21. And we had genetically we had one citizen signed up to give us testimony, jennifer gale. I believe we heard that testimony earlier. Although my screen still shows her as wishing to speak. Motion and second on table approving the settlement as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all very much. Council, our last potential action item here before -- before our lunch break and/or executive session is item 47 and 48 that i technically pulled off the consent agenda for staff and the task force to give us a brief summary. Technically item 47 is the ordinance which sets the requirements regarding the mandatory audit and team disclosure of not only the audit but also other information from austin energy. Essentially what we're doing here is getting really good important information in front of consumers, sooner rather than later. Of course anybody is welcome to have their home, have an energy audit of their home at any time. Not only contemplating selling it. Then item 48 is the complimentary resolution that sets sort of the basic targets and elements of how we will try to -- to measure efficacy of this energy efficiency upgrade program. Do it -- before I turn this over to richard morgan, I do want to acknowledge a number of folks who gave a lot of time and effort this past year. We had a task force comprised of over two dozen, mostly real estate professionals related to -- to the -- for the housing industry as well as the environmental and consumer advocates, richard morgan, who of course heads our green building program within austin energy served as that primary staff liaison in support for that task force. It was chair phil schmidt who not only chaired the task force, but also chairs our electric utility commission. These task force members initially were meeting every other week for seven or eight months, then towards the end of their work, sort of meeting weekly to get information together and in other words bring us this proposal. I'm very pleased to note that this proposal, you know, the fundamental elements of items 47 and 48, comes to us with a unanimous recommendation from that task force. I really want to thank a lot of people who put a lot of time and effort into what's going to prove to be a very important part of our ongoing effort when it comes to managing an electric utility. Environmentally and at the same time -- ultimately for us as consumers as well. So welcome, richard. Again, appreciate all of your hard work.

Thank you, mr. mayor. Thank you, council.

As -- as the mayor said, the task force was made up of the a group of people that represent almost every aspect of the real estate industry. The austin board of realtors, the austin apartment association, the real estate council of austin. But it was also represented on the task force for affordable housing advocates, energy efficiency advocates and consumer advocates. So we had a real good group, actually 27 members, meeting from january until september. And -- and as the mayor said, the -- the recommendations of the task force that are contained in these two items were unanimous. So -- so the goals of -- that the task force established when we started were to increase energy efficiency in existing homes and buildings, make housing more affordable through energy efficiency and -- most importantly, perhaps, to minimize the disruption to the existing real estate transaction process. And the recommendations that the task force is making that you have in front of you are that for single family homes, before a single family home is sold in the city of austin, that there will be an energy audit and results of that audit will be disclosed to potential buyers and that would be before transaction is completed. Auditors will be certified by austin energy and the audit would be structured in a way that would identify the cost of making the upgrades as well as the savings of the upgrades, though upgrades would not be required as part of this ordinance. Their goals established over four years for the voluntary compliance upgrades. Ranging from 25% of the eligible homes in the year one to 85% in year four. In this ordinance, multi-family buildings would be required to have an energy audit within two years. Again, the auditors would be certified to austin energy. The results of the audit would have to be shared with austin energy and the city tenants, potential tenants and any buyers of the property. Austin energy would also be charged with developing a ratings system to disclose energy use comparative energy use of multi-family properties in a meaningful way. So some kind of rating system or charting system. There are goals for -- for multi-family projects, having 80% perform upgrades over the course of the next eight or 10 years. There -- there is a recommendation for enhanced rebates for multi-family properties contained in the resolution. And that is to deal with the split incentives that property owners are required to pay for the upgrades while the tenants would get the benefits of the energy savings. There is -- the only part of the ordinance that requires energy upgrades is the part dealing with -- with high energy use multi-family properties and austin energy would be tasked to -- to develop an energy intensity -- average energy intensity or energy use per square foot for all multi-family properties within the city. We would be charged with identifying a -- the properties that use more than 150% of that average and then we would do upgrades and unless a compelling reason were found the property would not have to do -- we would do the audit unless there was a compelling reason not to. The property would have to perform efficiency upgrades to bring that property to within 110% or less of the average within 18 months. [One moment please for change in captioners]

if we look at single-family savings, if we took the single-family home out there, the cost of doing 7-year or less payback upgrades would probably be about \$1,066. The typical annual savings would be about \$242. For a 10-year savings, \$2,420. So the net in the pocket to the homeowner would be \$1,354. But even more impressive would be that if these upgrades were financed, the savings on the -- the energy savings would be more than the monthly cost of the loan payment. The band would be 225 225 megawatts. Over 10 years if all the goals were met, the cost to property owners, single-family, multi-family and commercial, would be about \$116 million. That would be after rebates of about \$78 million

from austin energy. A total cost of \$194 million. On the other side of the ledgers, benefits to property owners would be \$566 million. Benefits to the ratepayers would be \$337 million in power plant capacity that wouldn't have to be built and financed. And \$15 million for the value. O 2 credits for total savings of \$908 million. So substantially more than the costs. I would be happy to answer any questions. Requests questions for richard? Comments? Councilmember shade.

Shade: I want to also commend -- this is a really hard process I know and so i want to commend the efforts of chairman phillips specifically for talking about really our jobs and also all the citizens who have been involved. We've had a lot of core spend he knows on this issue and what would be voluntary and for the most part while there are still people who are not in favor of mandatory audits, for the most part people -- we've gotten much more correspondence lately in favor of this. Especially because the upgrades are voluntary and i think when you present numbers like that, it's a real incentive I think for the community to take these voluntary actions. And I would just like to say thank you, but also ask that the staff come back with a followup on sort of the execution plan and once it starts getting into place because I think there's still many unanswered questions about exactly, you know, can the audits hit the price point we're talking about, what's going to fully be included and will we really start achieving those and performance along the lines you are talking about is pretty aggressive. I would just hope we don't feel like we've crossed the finish line. I know it's been a hard process getting to this point, but it would be the beginning of the next phase of hearing back from you on how this is going.

I think you are right, it's just the beginning. Thank you.

Mayor Wynn: Further questions of staff before we open it up to citizens? Thank you, richard. Stand by. We have a couple folks who signed up earlier wish to go give us testimony on either of these two items. robbins is prepared to step up. Paul, why don't you go ahead and begin and I'll see who else we have signed up. Welcome.

I'm paul robbins, an environmental activist and consumer advocate. The problem with wanting to bet people to make wagers is one must have the money to do it. I'm not sure I do, but if i did, I would bet you odds that in two years this will not work. I'm glad you are doing an audit, but ultimately this is going to come back because i just don't believe that there's going to be enough participation. Back if I had the money, i would give you odds that that's what will happen. I'm glad you've taken the first step, but we will be back again.

Mayor Wynn: Thank you, mr. robbins. Let's see, I think john bush had signed up wishing to give us testimony. Is mr. bush here? Welcome, john. Let's see. Is that sharon blythe welcome. She has donated her three minutes to you, john, so you have up to six minutes if you need it.

My name is john bush. I'm speaking on half of texans for accountable government. It's a newly formed political action committee. I'm going to give a a little history lesson about this point of sale ordinance -- is there a name for it?

Mayor Wynn: Energy efficiency upgrades.

The energy efficiency upgrade, that sounds better. Ordinance. A history lesson on how that ties in with something called agenda 21, which is united nations program on sustainable development. If the links allude to thoughts of international conspiracy, that's okay, they are supposed to. You see, when austin council approves the energy efficiency upgrade resolution, it will be one further step in the culmination of a long chain of events, policy papers, closed door meetings, international agreements and all around sha containry that gone years ago. Before carbon was thought of as the most evil thing in the world there were internationalists hashing out a plan for world government through the means of excessive environment lymph. Let's trace the past of what would become the energy efficiency upgrade ordinance. It's worth noting where this is coming from because there's many other ordinances and environmental actions the city council will be taking in the near future. Agenda 21 was revealed at the united nations conference at the earth summit held on june 14, 1992. Agenda 21 defines itself as a comprehensive plan of action to be taken globally, nationally and locally by organizations of the united nations systems in order to further the agenda of sustainable development. This is actually where we get the term sustainable development from agenda 21. Amongst the stated objectives agenda 21 is is rewilding of america through the wild lands project. This project would remove human beings from over half the land in america and deem those areas core wilderness zones. Human beings will not be allowed to set foot in these areas. There would be highly controlled and monitored buffer zones in which travel would be severely limited. Humans would be forced to live in futuristic cities where travel is controlled and trekked. This is what the eventual culmination of smart growth is going to look like. It sounds crazy, I know. However, upon reading their own documents, it turns out it's all true. It's called the wild lands project, part of agenda 21. I suggest you look into it in detail since you are about to pass an ordinance that's beginning the process. The point of sale ordinance is part of the austin climate -- I'm sorry. What I thought was really crazy however is that the mayor's climate protection program is furthering implementation of agenda 21 in austin. Here's the connection between the point of sale ordinance and agenda 21. Very interesting stuff. Again, I highly recommend reading agenda 21. The point of sale orders is part of the austin climate protection program. Mayor wynn didn't come up with this wonderful plan off the top of his head it's the austin mayor's verse of the climate protection agreement which came out of the summit on february 2005. The summit was hosted and funded by the international council for local environmental initiatives, a united nations organization. Funded by tax exempt institutions such as the rockefeller brothers foundation and the carnegie foundation, the international council for local environmental initiatives is the primary group that's been driving the implementation of agenda 21 at the local level. This is from agenda 21, chapter 28. Because so many of the problems and solutions being addressed by agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. So basically many of the ten et cetera and the mayors or the austin climate protection program have origins in agenda 21 which I see as a globalist push as a means of global control. It sounds like a conspiracy theory, I know. It's funny because we now have a regional sectarian of the united nations for the accident council on local environmental initiatives and it's called the iclei oceana. I know it's kind of creepy that the aspects of a document which if executed would greatly diminish the national sovereignty of the united states is being voted on, but I also feel the prospect of government punishing citizens if they do not complete an audit,

the buyer and eventually an international body, this is how it starts, slowly but surely. It sounds like a good thing, but pretty soon we'll be giving up more sovereignty. I believe this violates the core essence of property. Also it seems to be the sentiment of some on the council that if these measures, they could potentially become mandatory if volunteerism does not work. The group I represent and myself are greatly opposed to not only the mandatory upgrades but of the audit itself. We see this measure as the essence of government both local and in the future international as intruding on the free market and individuals' rights to private property. This begins at the local level, but as we see localism turns to state or national regulation and in the not so distant future this will be god by an international body as part of the united nations through agenda 21. I know it sounds crazy, but this is all fact, everything that I've stated. It's for these reasons and many more that texans for accountable government is opposed to the ordinance and i hope that you guys will actually read agenda 21 because many of the things -- [buzzer sounding] -- that you are going to be implementing in the future are directly the result of agenda 21. Thank you.

Mayor Wynn: Thank you, mr. bush. Let's see. Also the only other speaker -- person signed up wish to go speak was scott johnson. Welcome, scott. While scott comes to the podium, a number of folks signed up not wishing to speak. Nancy robbins in opposition. Not wishing to speak in favor, amy ward, luke metzger and john raper.

Mayor, mayor pro tem, good and city staff. I'm here to speak in favor of this item. Just a footnote, I did work in a consulting capacity to support through research some of the heating and air conditioning companies that were involved with this directly and others that were supporting it. I'm here to speak on my own behalf. I would like to say that richard morgan had a very challenging job and he did well with it and philip should be recognized for their service. And also it's important when city council puts together a task force that you realize that some of the value of task forces and some of the effectiveness has to do with the folks getting to know each other. I did attend many of the first meetings and that meet and greet did not happen but it would bode well if you suggested or required it for future task force deliberations. When you don't know the personality behind the underlying agenda, it can become very challenging. If you have taken leadership austin, which a few of you have, you know that's part of what you want to do, learn about the people and get to know them. Regarding the recommendations themselves, I'm pleased with the multi-family one. I hope as councilmember shade asked this gets scrutinized within a 18 missouri period and we look to see if we're coming close to or meeting the volumeer to targets which i hope that we will. But it is unknown t city does have a history with energy AUDITS GOING BACK TO THE 80s For a short period of time we funded energy audits. There wasn't necessarily this strong discussion about climate change at that time and the idea that you can save money through energy efficiency and therefore pay for the things that are essentials. But that aside, it is uncertain whether a voluntary approach will be successful. Personally I would like to see more meat in the proposal and through a letter that i authored that I sent to the mayor and city council members, we suggested as much. Through a mandatory back stop for the multi-family portion of this. Even though the energy hogs, those complexes that are extremely inefficient, will be asked to curtail their energy and that's a very positive out come. I would like to say that this is advancing the dialogue and it is very important that we do this, but as I told emily from abor, the realtors earlier, they need to and apparently have gotten started on their eight point plan or seven point plan which says they are going to expand

their education and outreach substantially to their own members. There are 8 or 9,000 real stores in austin. If those folks are listening i would encourage them to try to join the green movement. Whether or not they believe in it themselves because there's certainly a market for that. So I hope the city council will stay close to this issue. I appreciate you working on this. There are many parts of the austin climate protection plan that have gotten off to a slow start and we could do much better with the very large staff they have. I'd be happy to answer any questions. Thank you for your attention.

Mayor Wynn: Questions for scott? Thank you for your work. Council, that's all the folks who signed up to give us written or spoken testimony on this combined item 47, 48. Further comments, questions from staff? Councilmember morrison.

Morrison: I wanted to comment that I've certainly heard from folks on both sides of this issue. Some urging less to be included in the ordinance and some urging more to make it stronger. And I want to compliment the task force for working really hard to come to a compromise and find something that everybody could live with because it was unanimously approved by all the members of the task force, which was a broad, broad representation of points of view from the city. And I think it's really important being a veteran of a rough and tumble task force myself, I think it's really important.

[Inaudible]

Morrison: -- That we respect the compromise that's been reached because, you know, each little piece of it was probably important in coming to something that everybody could embrace. So I think it's important that we go forward and adopt this ordinance as it is specifically the recommendations. I do want to comment also that this is an opportunity for more businesses to flourish in austin with regard to the audit work that's going to be done, and I think that we the city should consider it our responsibility to do outreach to the businesses that may be interested in entering into these kinds of audits, doing these kinds of audits. It's an opportunity for more business but we also want to make sure there are plenty of folks out there that can do the audit to satisfy the demand when this comes into place. So I look forward to austin energy doing outreach to make sure people know about that business opportunity.

Mayor Wynn: Agreed. Further comments? Questions? I'll just say seeing richard present this case reminded me also, of course, of our experience we had with what we called the zero energy capable homes task force two years ago whereby we wanted to figure out how through our building codes we can make new homes built in austin dramatically more energy efficient, saving the homeowners or renters substantial amount of money. Put together a similar scaled and broad task force that richard also staffed, made up of home builders, architects, green modelers, hvac contractors and interestingly enough first time in my recollection we had folks like the greater austin home builders association coming to us and agreeing to additional regulations. That is, having our codes strengthened. We for the first time now all single-family homes built in austin have to have a radiant barrier and they have different seer ratings. So the home builders came to us and said, you know, increase your regulation. Make your code that much more challenging because they had all done the math. On the average single-family home, the average mortgage of the single-family home built in austin there's about 6,000 a year, they reckoned they increased the monthly mortgage payment about \$8. And there's no question

that just those two new elements into our code could easily save that same homeowner or renter \$38 a month. So from the get go there was a \$30 a month delta savings to the homeowner. Of course, as important, maybe more important to us as the owner of the electric utility, it's a way to manage the covers generation. Not have to build more generation. City of austin as -- at least of the large cities in this country, we're the fastest growing big city in the u.s. We have the strongest metro on many measurable fronts. Yet austin energy has been delivering on the need, the demand for more energy from the fastest growing city and metro in the country. We closed the power plant last october. We haven't had a rate increase in austin energy since 1994. Because we haven't had to go out and build a very expensive generating plant. And when you do that, have you to pass those costs over to everybody, whether they are conserving energy or not, every ratepayer at austin energy would have a rate increase if we had to go build more generation. So despite the demand, we have been managing it with conservation efficiencys and strengthening our renewable portfolio. The new home issue was so well received by the builders and the architects, the realtors utility mayly understand how much more affordable these homes will be. These homes are less likely to be foreclosed on in the future than a home that cost people more money to live in because of electricity bills. But as we started having this dialogue last year, we said do even with 6,000 new homes in austin built every year, fast forward 25 years from now, 75 to 85% of all homes in austin 25 years from now exist today. And so we're doing this fabulous work saving people money, saving austin energy cost of generation, just on a small piece of what will be that -- the future austin. The challenge was how do we tap into the bigger inventory of homes and buildings in austin 25 years from now, that is the ones that exist today. That was the genesis of the work. The task force was very, very broad. They did a lot of work, ultimately came up with this solution. With all due respect, I don't necessarily characterize it as a compromise, it's a different product. It's a different perspective on how we go about analyzing the demand and supply of electricity in this city and in our service area and how we affect the affordability of all structures, homes, apartments and commercial buildings in austin in the future by reducing the occupancy costs to be in those buildings. And so I applaud the work, i think it's really, real estate important, I think it's important to save people money while at the same time clearly helping your utility from a financial stability standpoint. So I too am very appreciative and will be very supportive of this combined items 47 and 48. Having said all that is correct I just realized we had one other citizen signed up to wish to go give us testimony. I see walter moreau. Welcome. I apologize for not seeing your name earlier.

Mayor and councilmembers, my name is amounter moreau, director of foundation communities. I appreciate the chance to make a quick comment. While the task force had a lot of discussion about single-family, it's hugely important to pass these recommendations for apartments. Most of austin rents, most renters rent older apartments. What I think is exciting in the recommendations is the audit work and then the disclosure of that information. What I hope happens is when you go rent an apartment, you could look up on the austin energy website what the typical utility bills would be for that apartment. That would be very powerful information. There might only be 10 or 20% of renters that access that, but it helps to change the equation. Right now if you rent, most likely you pay your own electric bill. That's a good thing for conservation. But it means that the owner of the apartment complex doesn't necessarily have the same incentives to invest in conservation improvements. We can change that if renters know what their typical electric bill is going to be. Just like the energy star sticker on an appliance, you can

see what the range of what the typical utility bills would be and where your -- the appliance you are looking at falls in that range. Wouldn't it be cool if you could see that on that apartment complex while you are shopping and looking for an apartment? I think this could be done quickly because austin energy has that electric usage data. There are technical and legal questions to figure that out. We can't get the information very easily. As an owner, I can't tell out our apartments what the range of bills are on the 148 apartments and we really want that information. That would help us make good decisions about improvements we make. I think this is a high impact opportunity for conservation because so many people in austin rent, and I think it would be a model around the country if we have that energy star green apartment rating system created for apartments around town. I care about this because it directly impacts affordability, not just the rent but the bills you have to pay. If you are in an older amount and it's cheap oh, but if the bills are \$200 to \$300 a month, that's not affordable. I approved the task force and austin energy. I hope they will really work on creating this disclosure system for apartments and I encourage your approval of the recommendations. Thanks.

Mayor Wynn: Thank you, walter. So I don't think we have a motion and second on the table yet. Further comments, questions? If not, I'll entertain a motion on this combined item 47, the ordinance and 48, the resolution. Motion by councilmember martinez. Seconded by councilmember leffingwell to approve this combined items 47 and 48. Further comments? One last comment. Excuse me. I also want to applaud the austin board of realtors for, one, I learned a lot as part of this process, but to hear now -- to hear them now talking about their outreach. For instance, what we are doing with this audit -- by the way, this audit that we have crafted, the actual product, is a far less expensive audit than what is conveniently available in the market today. It's mostly visual. That is, you have an inspector looking at and measuring sort of the depth of your attic insulation, looking at the actual appliances and/or the hvac system. Which is just a modest testing. This is a far less expensive energy audit that now will be a certified product here in austin. So as opposed to paying, you know, \$600 or \$800 for what has been the industry standard of a audit, these audits could easily cost \$200 or less. And so the board of realtors is talking about the opportunity that will now exist for homeowners who have no intention of selling their home, all right, go ahead and having this less -- far less expensive energy audit done. Spend 175 bucks and then you get the corresponding complimenting -- complimentary information from austin energy about the cost effective and the quick payback of different elements on that menu of upgrades. And so I agree with the austin board of realtors that I anticipate many, many homeowners in austin taking advantage of this audit product even though they have no intention of selling their home. Because they too deserve and should, we should all want them to lower their electricity bills as well, therefore lowering consumption, therefore putting less pressure on austin energy to build more power plants. I really am pleased with the product. I hope the efficacy will speak for itself. As we see the buy-in literally when it comes up to grading homes and buildings in austin, reducing folks' electricity bill and reducing pressure on austin energy to have to raise rates because we have to build power plants. Again, we have a motion and second on the table approving approve combined 47 and 48. Any other comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. So council, that leaves us about 20 minutes or so before we take up our citizen communication at noon, so I bet that's enough time for us to take up one of these items on our executive session agenda. So without objection, we will now go into closed session only for 20 minutes, thereabouts. 071 of the open

meetings act to take up either agenda item 18, 19, both related -- legal issues related to automatic aid agreements and interlocal agreements into the annexed areas. Item 24, the actual annexation item related to item 19. Potentially update on item 54, the collective bargaining negotiations with the austin firefighters, and/or item 55, potential issues regarding the position of deputy city clerk. Potentially item 56, a lawsuit, hutchinson constriction versus the city of austin, and/or 57, meet and confer process for city noncivil service employees. I anticipate us only taking up one of these items but I'm not sure which one that will be. We're in closed session and i anticipate us being back out here right at or just after noon for general citizens communication. We are now in closed session. Thank you.

He have ended our discussion in one session of executive session. We took up item 56, legal issues regard hutchinson. No decisions were made. We expect further action. We now go to citizen communication. We have 10 citizens who would like to give comment. Our first speak signed up is gus pena. We'll hold his spot. Pat johnson, welcome back. johnson, you will have three minutes.

Today we're going to talk about financial issues. Our citizens, regardless on the pay scale that they are on, they are struggling. A lot of people are struggling. All right, families are losing vehicles due to the high towing fees passed by this council. This is towing from private property, not collisions. On the first 24 hours, it's 190. One second after the 24 hours, it goes up to \$260. On the third day, it's \$290. Now, that would hurt me if my vehicle got towed. It would probably hurt a lot of people that voted for y'all. I talked a mother, she dropped her mother at st.david's. She got her car towed. She was shocked. Her mother died. What we would like to see happen from a citizen standpoint is to reduce -- roll back the towing fees for the nonconsent towing on private property. San marcos by city ordinance, \$75. We're charging \$150. We want to reduce that fee to \$100 and eliminate the on site property fee of \$50. Now, the towing companies out there committing the most harm to our citizens continuously over and over where they are taken to court, they don't pay the judgment so the people are out their money. Another issue is the towing industry is contributing to our environmental pollution. As you will see in this picture right here, aus-tex picked up a truck that was broke down on the highway, had a huge fluid spill underneath the truck, instead of cleaning it up, he drives off. This is another reason why they don't deserve their high towing fees because they are contributing to other high pollution fees here in austin. Again, I've said this time and time again, call 311 to report an illegal tow. Due to the chronic illegal towing, the public is encouraged to call a.p.d. 's wrecker enforcement to determine if your vehicle was illegally towed. If you are illegally towed after the investigation the detective will accompany you to the tow hearing and file criminal charges after the rules there wasn't probable cause to tow your vehicle. Council, I've been talking about this ten years. I've even been talking about it, mayor, before you graduated from a.m. It's been a long time. And constantly over and over again it's always been for the benefit of the community. You have to look in your heart and think about the fees that it's costing our citizens. \$260 On the second day would hurt somebody. It would hurt me. It would hurt a lot of you. So again, council, I ask that you really take a serious look at lets rolling back the fees on nonconsent towing on private property. Thank you.

Mayor Wynn: Thank you, mr. johnson. Actually when you said we won, I thought you were talking about the aggies. We finally won a football game last weekend. Beat colorado. Francoise luca.

Good afternoon. This has been an historic week with the legal maneuvers of the travis county health district to circumvent the city of austin zoning processes. I'm an american. I am hispanic business owner. And I have a special appreciation for our civil liberties. Especially our freedom of speech and our right to elect our representatives in government. You see, I lived in chile in 1974 during the military dictatorship and martial law. There was dawn to dusk curfew. There were armed military patrols cruising the streets and soldiers with machine guns at every major intersection. There were few or no civil liberties and there was fear. Then I was only a bystander, a fly on the wall. Recently I visited the spring dale shopping center where the northeast clinic is located. Since I speak spanish, I asked several hispanic mothers their opinion of the closure of the clinic. Their response was a surprise and a worry. When I asked if they would call to you express their concerns, they expressed fear. Their fear was a call -- a wake-up call for me. I could no longer be a bystander. I had the moral obligation to speak out about these injustices and we all have the moral obligation to be good stewards of our tax dollars. This is why I have come forward to denounce the arbitrary site selection and the arrogance of the health care district and a clearly broken process. I am on public record at the county commissioners court, at the travis county health district's board of manage irrelevant's meeting, at the zoning and platting commission, here at city council and in the local media stating my opposition to the health care district's plans to build this \$18 million flag ship complex on braker lane. I think I've been very clear where I stand on this issue. And so, mayor and councilmembers, please raise your hand if you believe that I am here as a volunteer for the health district. Let the record show that none of the councilmembers raised their hand. On monday, I received a letter from the assistant county attorney asking me to cease and desist as a volunteer on their behalf. I perceive this letter to be an intimidation tactic to instill fear. This is an obvious abuse of their power and their position and their power leadership. I urge you to call each member of the health care district's board of managers and ask them to put this project on hold. To restart the site selection process for the new clinic and to hire an independent third party consultant and a citizens review committee. Or to step down. From their appointed positions. We demand new leadership and direction from this taxing authority and we expect you to help us make these tough decisions. Thank you. [Applause]

Mayor Wynn: Thank you, ms. luca. Our next speaker is richard troxell. Welcome. Will you have three minutes to be followed by linda messier.

Thank you, mayor, councilmembers. My name is richard troxell, president of house the homeless. I understand that president-elect barack obama begun to assess the united states in a world situation and it's rumored he is demanding a recount. But -- it's important to assess your situation. And house the homeless has been assessing its situation for 16 years. We've been monitoring men and women that have been dying on the streets of austin. November 16th is the homeless memorial. Once again we're going to meet on auditorium shores for our sunrise service where we will take an hour out of our year and read the names of the people who have lived and died on the streets of austin. It's a sunrise service. I want to invite the councilmembers to join citizens of austin as we do this. Keynote speaker is city councilmember sheryl cole. Sara hickman will come and sing a few songs for us. Roger painter, the senior pastor at first baptist church, will do the invocation and benediction. My daughter will lead the service. We will read the names of over 100 people who have died over the last year. It's about 75 yards east of the stevie ray vaughn statue at south first and riverside. There's plenty of parking. We'll have a

little breakfast food and a little coffee for those that need an eye opener. We'll sing some songs, we'll cry a little, say some prayers. We hope you can join us. Thank you.

Mayor Wynn: Thank you, richard. By the way, some of us at home got y'all's postcard about holiday gift drive. Welcome that. Let's see. Linda, sorry if I'm mispronouncing your last name. Messier. Thank you. You will be followed by walt esquivel.

Mayor, mayor pro tem, city councilmembers. I thank you for this opportunity to speak with you today. You see my face and you know what I'm here to talk about, 1210 west braker lane and travis county health care district. We have over 800 signatures that oppose the rezoning of this property. We believe it's appropriately zoned currently. We will continue to collect signatures. This will not go away. And the recent actions of the travis county health district are the reason we're continuing on this journey. This zoning case turned into an issue of a developmental agreement which we are very grateful. Although they've shot themselves in the foot and think they've pulled a fast one on the taxpayers and the citizens of north austin, they put themselves in your hands and we're grateful to that because we trust your leadership, we trust your judgment and we look for you to do the right thing for the citizens. We expect responsible development. We still have the same issues which I won't bog you down with and we request very respectfully to be included in the process as it's developed. We think this is very important. I grew up in corporate america. I know what standard practices are. I know how it is to operate in an ethical, moral, legal and specific manner that is required across all government agencies, all private and public entities. And I believe that the arrogance and the way that tchd has handled themselves is not in this past and does not follow this same model. Tchd has been very arrogant in their dealings with the county, with the city council, with the media and especially the residents of north austin. And I say this on public record, it's very difficult at this time to embrace the health care district and welcome them into our neighborhood after the way we've been treated. The gift that tchd has given us is a solidified coalition in north austin. They didn't know they were doing us favors, but they actually did and we appreciate that. They've attempted to intimidate volunteers who have been very heavily engaged in this process of the opposition of the zoning case and they have not been successful. We believe that the power belongs to the city council and to the people of austin and not to one entity that has since changed their -- their status as far as having ordinances or city laws applicable to them. We know that is uncharted territory. [Buzzer sounding] and it's setting precedents in the future. We ask you to do the right thing. We haven't had deep pockets. We haven't had lobbyists. We haven't had consultants to help us. We have funded this privately out of our own pockets and we will continue to do so. City council, you are responsible for making these changes and we ask you, urge you to do the right thing and we do hold you accountable. I thank you for your time and have a good afternoon. Finishes.

Mayor Wynn: Thank you, linda. [Applause]

Mayor Wynn: Welcome. You too will have three minutes to be followed by paul robbins.

Good afternoon, mayor, mayor pro tem, councilmembers. My name is walt esquivel, president of northpark estates neighborhood association in north austin. My neighborhood is adjacent to the gracey woods neighborhood and the proposed indigent clinic the tract health care district has proposed

building a mere two miles from the domain and only a mile from the north burnet gateway planning area that many residents in my area support. SINCE JUNE 6th, TRAVIS County residents have seen the district's cleverly spun propaganda if in my opinion has been meant to mislead both the public and elected officials such as city council and county commissioners. My opinion is based upon a study of what has been said and presented to the public contrasted with what I have seen, heard and been told in my dealings with the district. Part of my opinion is based upon exhaust I have review of the district's data which was not shared with the public but which has been and continues to be collected via open records. In my opinion, the public spin is in conflict with the open records, is self-serving and a disservice to the public. As you know, the 1210 west braker lane zoning applicant and/or agent were scheduled to appear before the zoning and platting commission tuesday, NOVEMBER 4th. At the last minute and per the district's request, the applicant withdrew the zoning request, silencing for the moment the public's voice with regard to zoning. Although I'm shocked that the district's dealing with the public, I am not surprised. The district and its board of managers operate as if the voters who approved the very existence in 2004 do not matter. When I attempted to schedule a meeting with carl richie, the board of managers chairs, i was told he was too busy and that any comments I had would be forwarded to the board. If I am able to schedule meetings with city councilmembers and county commissioners, why does the district feel their board of managers need not answer to the public. Essentially this is taxation without representation. We're aware that the city council and county commissioners do appoint the nine board of managers. They are not elected officials so that is why our recourse is in fact the city council and county commissioners. Unfortunately the district's dealing with the public is resulting in distrust as we've witnessed the arbitrary site selection process, the cherry picked date tax lack of see scenarios built and oversight. The missteps leads me to believe more effective oversight and/or change of leadership at the district is needed. I stand before you today representing many, many north austin residents. It's not just my neighborhood, northpark estates, it's adjacent neighborhoods, it's part of north austin that feel the same way as I am speaking with you today. Having just voted, I believe in democracy, the will of the people and due process. [Buzzer sounding] I ask that each of you individually and collectively work with north austin and the residents of travis county and the city of austin to ensure the will of the people is heard, respected and followed. I look forward to working with you on this issue in the future and thank you for your time.

Mayor Wynn: Thank you, walt. [Applause]

Mayor Wynn: Is paul robbins? Welcome back, paul. You have three minutes to be followed beijing jackson.

Councilmember cole, I'm paul robbins. For the audience, I'm an environmental activist and consumer advocate. I'm here today to ask to you please explain why you don't want citizens to vote. Article 7, section 11 of the city charter reads, quote, all revenue bonds issued by the city shall firsting authorized by a majority of qualified elections voting at such purpose t exception of funding for the south texas nuclear project, this policy was followed until 1998. I see no reason that it should not continue. It seems ironic to me that this entire council actively opposed a charter amendment in the recent tuesday election since will you not even defend the current charter as written. It seems ironic that our culture encourages the myth that everyone should participate in the body politic with their vote. America has just had the

largest turnout of voters numerically in the country's history, but this council is actively prohibiting people from voting on issues that affect their personal budget and their environment. There are 10,000 people watching this meeting. Shortly you'll be running for re-election. I kept my speech deliberately short to allow you time to explain your position. Please explain to the voters why they should or should not be allowed to vote when this right is prescribed in the city charter.

Mayor, if I may. smith, respectfully, these are elected officials and I'm not asking anything that is privileged information.

Well, respectfully --

Mayor Wynn: smith is or attorney.

This is the council's meeting not yours and I've asked the chair information permission. robbins is raising a question that he has raised over and over and over. And that has been answered over and over and over publicly and has to do with the issue of a case, a court case having held a certain provision in state law to have trumped a certain provision in our charter. I have shared that opinion robbins, much like i robbins how many weeks ago, three or four, a several page memo analyzing some of the other issues he raised. I have been requested to research procedural the history that he raises about certain votes being taken and certain procedures being changed in 1998. I will share that once completed with council, with the city manager, and again with mr. robbins. So --

Mayor Wynn: Thank you, mr. smith. robbins, have you about a minute left.

Actually that wasn't my time, but really I've donated cole because this is a political issue as much as it is a legal one. The public has never rescinded this and I think it's a very legitimate question to ask a councilmember running for re-election. And since you've taken some of the time --

Mayor Wynn: Actually no, he did not. I paused the clock. cole, would you like to address the voters and tell them why they should or should not be allowed to vote?

Cole: robbins, i appreciate you donating your time to me, but I don't need you to donate your time to me as a councilmember. And I cannot take time as a sitting councilmember to make any campaign speeches and I do support voters being able to vote, but I have not been smith on any of the issues that you raise.

I am probably out of time but this shall continue. Thank you.

Mayor Wynn: By the way, for the record, I was one of probably a number of folks who requested this additional analysis and information about chronological operational changes at austin energy and i look forward to that information as well. Councilmember martinez.

Martinez: I just want to know who are the 10,000 people watching the city council meeting. [Laughter]

Mayor Wynn: robbins is being kind. Let's see, jim jackson. jackson signed up wish to go give us testimony. How about monica nwevo. Sorry if I mispronounced that, monica. Welcome. You have three minutes to be FOLLOWED BY dan McHargue.

Mayor, the councilmembers and the audience. I have been coming to the city council to ask the police to leave me alone. Because it is the type of police who killed that black guy in the east. The people from that community [inaudible] police who said that was born in nigeria and I'm a republican. Use strategy to kill me. Any time I move to an apartment, they send people from housing authority that has that connection to be bugging me with developmental problem. Their doctor put in the computer that I have mental problem. But social security judge and a doctor walker, did arrange and send me to psychiatric in washington, d.c. They said I have no mental problems, but I came to austin here. They send me to [inaudible]. They said I have no mental problem. But just want to put me to have mental problems so that they group me from all the family from doing certain things who have mental problems. They hired illegal aliens anywhere I live. If it is mexican or jewish or whatever, who is the next [inaudible]. Do we have have that connection. And the person [inaudible] trying to stop me from breathing when I'm talking about this, some people say it's a mental issue. But I have talk it over that people who knew this is existing. I have cried to the city. They send somebody to come out and investigate that what i governor you now. How they connected the connection in the central air conditioning. They discovered that the [inaudible]. Maybe I didn't get the spelling. I was rushing this morning and all that to be here. Then I went to the social worker to send the copy to the land lord to [inaudible] connected advice by the city. They didn't do that. I called police several times. Some of them who come, they said sorry, can I have one minute. Do you take your medicine. I say I tell you people busted my window trying to get into my apartment. I get up in the middle of the night and I be fighting the people. Police, city council, my life is in danger. Last night [inaudible]. It will be haunting me and they broke my [inaudible] when I was lying down and they climbed my ceilings. Please, I don't know how to handle this. If you can't save my life, then I will go back to washington, d.c. I wrote a letter to [inaudible]. They didn't allow that letter to reach him. They destroyed the letter. I have been going there making a appointment for him to hear my own side of this story. They don't allow me. That's why I decided to come to the citizen communication again. Thank you.

Mayor Wynn: Thank you. There might be somebody from our health and human services department available here in a few minutes to also try to give you help.

I don't see anyone here, but rolando fernandez is here. Would you make yourself available, please.

Mayor Wynn: Our final SPEAKER, dan McHargue. And I see gus pena has arrived so good.

Good afternoon, council. Mayor, city attorney. MY NAME IS dan McHargue and relatively new resident to austin and texas. I moved here from california and australia about a year and a half ago. I'm here and some of the councilmembers are briefly aware of me and may or may be, but I did raise an issue of a xeriscape landscaping problem. Unfortunately I violated the ccnr's of the homeowners association. Not

intentionally, however in pulling down their application from the website, there was no requirements for plant beautification, you know, pretty much structural, et cetera. So anyway, the bottom line is I implemented a \$5,000 front yard xeriscape project in June and that has resulted in a \$84 water bill last month and \$11 bill the prior month. And from where it was originally, I think earlier in the summer about 70, \$80. So it was a dramatic savings immediately. And awesome benefit. And I and Martinez have seen pictures of it. I've worked with Maria Sandoval to solicit some exposure to you folks. The bottom line is that my homeowners association is -- has forced me as of yesterday to pull out the xeriscaping and replant lawn. It's really a sad moment. I know that the council authorized some recommendations last year relative to water conservation, but I just really wanted to say thank you very much for your support. I know that there was a letter that's gone out. I've also spoke with Senator Wentworth that's willing to champion any state legislation that the city or the council may want to champion with me and partner and perhaps trying to create a state ordinance that allows residents to voluntarily comply to xeriscaping. The bottom line is that if you understand and realize the savings that I have generated, there would not be a reason to implement a \$500 million fourth water treatment power plant. If you extrapolate \$5,000 per household among the city of Austin residences and front lawns to implement xeriscaping, it would not be more than 150 million versus the water treatment plant. [Buzzer sounding] I think we're really on track there. I just was hoping Westbound get some additional support. Unfortunately if I want to come by and see my front yard, it's got grass on it now. I have implemented buffalo grass so maybe that's a positive step. Thank you very much.

Mayor Wynn: Thank you, Dan. Pena, this issue or related issues have come up in the past and I know we've had the briefing or discussion maybe it's been several years about the whole concept of do it as a private homeowner regulation, you know, keep Trump, I guess city ordinances. Now there's the whole concept of state ordinances. David, do you have sort of a brief summary about where we think the law is now and what might be?

I'm trying to -- maybe I'll just ask a question. Is it a -- are these covenants that are filed in the real property records that apply to the real property or is it some other kind of guideline?

Did you say rule?

Yeah. Is it something that's filed with the real property records, with the county, that applies to your property? I'm not sure how that's -- I think it's through the state -- state land office or something like that. AS FAR AS THE CCNRs. Originally the developer, which was Four Star, was the one that mapped the development. This is Parkside at Slaughter Creek which was part of the developers that developed Onion Creek long ago. But it was originally mapped by that. The developer had nothing to do with the CCNRs -- or I should say the builder. Interesting enough, one of my issues is right currently now is arbitrary discrimination or enforcement. The original models, which I think goes back to the recommendations that are going forward in the code, but the models of new developments set the precedent of the development and had all this fancy palm trees and all that stuff. As any model home would. But what happened was is as soon as the homeowners association took up ownership, those model homes were not in couplings with the CCNRs, but they've allowed them to stay.

With that understanding the short answer in your situation is that there are really separate things. It's less a question of one trumping the other as one supplementing the other.

Yeah, so the one who developed the map is obviously the one that owns the responsibility, right? Is that what you are trying to get at, versus the builder. Still, the builder has the ability to determine future buildout of the subdivision.

And the other part of what I'm trying to suggest the city doesn't play a role in that.

Yes, and in my case unfortunately it's a retroactive issue. That's where I understand the city cannot help me with because it's receipt toe active.

Mayor Wynn: I will say I'm sure there's interest on the dais, as we develop details our legislative package and the legislature comes back in early january 2009 will include this concept, that is, the issue about deed restrictions and/or homeowner regulations, homeowner association regulations impacting our ability to have city-wide ordinances and conservation efforts, et cetera.

Right. Maria can get ahold of me and I would love to partner with that. I wanted to thank mike and lee for their support. Thank you.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: Could I echo your comments. I think we need to look at every option on the municipal level as well as the state level because this is going to become an increasing problem as we go forward. It's not only with water conservation with the landscaping idea, but I talked to a man several months ago who was trying to put solar panels on his roof, prohibited by the homeowners association. He was fortunate he was able to get special case approval. But all of these homeowner policies or deed restricts, whatever the case may be, they are in direct contradiction to our city policy, I think we need to take a look at it and see what we can do to change that whether it be at the state or city level. I'd like to get an update on that sometime soon. [Applause]

to your point, lee, the state legislature did pass a water conservation -- or some kind of bill that allowed exemption of solar panels and water catchment or container systems for homes last year. But, you know, xeriscape was not passed. Kind of interesting.

Leffingwell: Could we get some kind of a memo, a wrap-up on what the status is currently and what might need to be done?

Mayor Wynn: Thank you. I see gus pena has joined us. Welcome back, mr. pena. Glad to have you back.

Thank you, mayor. Appreciate it very much. I would like to thank god and jesus christ for being here today. For veterans, deceased and alive, lord, we lift up all the veterans and the loved ones left behind

who have answered their call to duty because we live -- sacrifices our veterans have made. We thank you for letting us live in this land where only love of you and family take precedence over love of country and thank you for the victories that have been given to us. Blesses our land that we may always be the land of the free and the home of the brave. In Jesus' name we pray, amen. This newspaper article states somebody's hero or every un, the first veteran to die in Vietnam. My good buddy from Zavala and Johnston High School, Alex. We tend to forget about our veterans and the sacrifices they make. In other countries freedom, safety and democracy, I had a lot of cities talk about, but I'm going to talk about Veterans Day. Veterans Day is Tuesday, NOVEMBER 11th. The sad part about it is I do not have my friends with me, but also sad part is that Aisd chose not to give the children the day off to celebrate Veterans Day with us in our parade. This is me in boot camp. Ugly and skinny, but still there. I'd like to say happy birthday to the United States Marine Corps NOVEMBER 10th. We will be 233 years old a proud service to our country and our veterans and our people and residence and everybody that has landed on this great country of ours. I'd like to say we would like to remember my good buddy Toby Rodriguez, Pfc Booker T. Lofton, he was my neighbor. Alex, my good friend. My good friend Wiley Guerrero and many other veterans from Travis County that didn't make it back from Vietnam. I would like to say this that a lot of veterans have problems. I've spoken to you, Councilmember Cole, I heard you on Kazi, good job on health care and other issues. Councilmember Laura Morrison, you have been a friend to the veterans. Thank you for listening to our cries of help and requests for help. Lee, Councilmember Leffingwell, I know you are a veteran, happy Veterans Day early. I might not be here next week, but let's not forget about our veterans. We tend to forget about our veterans and their moms who carried us in their womb. We all should remember. That veterans need jobs, health care, comprehensive job training, rehab and true blue affordable housing. Many veterans become homeless. We're not going to criticize, we're not going to judge, but you need to help them out. Program Veterans Assistive House and from the V.A. is a sham. I called and spoke to -- [buzzer sounding]

I'll wrap up. Deputy Secretary Daugherty and we have a congressional investigation and also GAO investigation as to why those vouchers have not been sent to house the veterans in Austin, Travis County. People, please, go out TUESDAY, VETERANS DAY, 11th Of November, 2008, support the veterans both living and past. God bless our veterans. God bless America and God bless Texas. Thank you all very much.

Mayor Wynn: Thank you, Mr. Pena. Council that is correct concludes our citizens communication segment. Again, we have no potential action items until a couple of discussions occur in closed session. Then we have afternoon briefings to conduct as well later today. So without objection, with that we will now go back into closed session pursuant to 071 of the open meetings act. Earlier I identified the seven potential items that would be addressed. We have already taken up and concluded our discussion of item number 56. So while we're in closed session, we may take up items 18, 19, 24, 54, 55 and 57. We're now in closed session. I anticipate this session lasting until perhaps a couple of hours till perhaps near 3:00 p.m. Thank you.

In executive session we have finished our executive session agenda for the day. We took up items 18, 19 and 24, all of which are potential action items which I expect we'll act on in a few minutes. We also took up and discussed items 54, 55 and 57. We had earlier before lunch taken up and finished

discussion on item 56. Our closed session agenda is finished for today. In closed session we did take up three items that are on our action items on our agenda today. Items 19 and 24 both relate to service plan issues regarding annexation of the peninsula area, item 18 related to an automatic aid agreement between the city of austin and e.s.d. Number 6. Perhaps a brief staff presentation on those three items and we can discuss and/or act. Perhaps 18. Number 18 is the automatic aid agreement for austin-travis county e.s.d. number 6.

Welcome, chief. Just sort of a brief summary of item 18, which is the e.s.d. number 6. Automatic aid agreement.

Mayor, mayor pro tem, councilmember, I'm jim evans, acting fire chief. Item 18 is an automatic aid number 6 which is in essentially the four points area of the city at 2222 and 620. And it is an agreement whereby we both entities agree to send the closest unit to respond to an incident. And that is done in advance through this automatic aid agreement. So essentially if an incident 6 unit if it is a close unit will be selected in lieu of a.f.d. Unit and vice versa. That's the up shot of the agreement.

Mayor Wynn: Council, again, this is part of our discussed legal issues regarding this automatic aid agreement earlier in executive session. Further comments of the chief? If not I'll entertain a motion on item 18. Motion by councilmember cole, seconded by councilmember martinez to approve item 18, this automatic aid agreement with travis county e.s.d. Number 6. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 5-0 with councilmember shades and morrison off the dais. I think we can take up 19 and 24 combined and then the interlocal aid agreement and how that relates to the service plan for the peninsula annexation area.

Yes, sir, item number 19 is essentially the same as item number 18. The only difference is it's an interlocal agreement because money will exchange hands whereby the city will be number 9 in this case to cover certain areas of the city both recently annexed and proposed to be annexed for the same services. It's first -- closest unit responds.

Mayor Wynn: Perhaps if collier could real briefly expand on item 24, which is the service plan and how ultimately this is I guess our last action prior to the annexation ordinance that would be next month.

That is correct. Today the item is approve an ordinance agree to go the arbitrator's decision which was a result of the annexation process regarding the annexation service plan for the peninsula annexation area.

Mayor Wynn: So again, after meeting with representative neighbors of that area and then going through an arbitration, an arbitor has set the tight parameters as to how the service plan needs to be delivered and this is a corresponding action that we need to take.

Correct.

Mayor Wynn: Thank you. Further questions of staff, council? Comments? On this combined item 19 and

24. Hearing none, I'll entertain a motion. Motion by councilmember mart on this combined item 19 and 24. All those in favor please say aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. Council, I believe that's all the action items before our zoning cases so that takes us to afternoon briefings. The first is regarding water quality controls reviews. Then the second one was regarding urban passenger rail. nancy McCLINTOCK. [One moment, please, for change in captioners] it looks like chocolate milk because of sediment from a construction site. It is no longer functioning and providing the water quality protection that we expect. This is a very largen undertaking, we predicted it would take about a year to complete it, and it did. We sent you a memo in september, detailing the findings of the report and our recommendations, and today we have been asked to come and summarize the highlights of the study and our recommendations. All aspects of the programs were reviewed from code and criteria, permitting, inspection, information tracking enforcement, maintenance and program financing and fees. This study touches virtually every sector of the department. Over 30 program changes were identified and consented, but don't worry, I'm just going to give you the highlights. I wanted to help you a little bit with the context of where these recommendations will now go. They are in four general categories, they're in bold print, the last of this particular slide. The criteria manual revisions are possibly the biggest part of our recommendations. We have the city code, which sets the standard in gold, and then we have a series of criteria manuals that really provide the strategies and the specification for how to get to those goals. When you make revisions, there is a multimonth process required where we take input from the stakeholder community and respond and essentially negotiate on these revisions. The stakeholder process is under way right now and we should have adoption in '09. Any recommendations on staffing levels and fees are going to be further evaluated in the drainage fee study that is on going and they would be implemented through the annual budget process. We have lots of internal process improvements that we have recommended and those, to the degree they can be done with existing resources and under the director's authority, thoughth implementation of those is already under way. And there are only a couple code changes, and these are the things that would come back to you for review and approval, there are two minor one, but they have to go through a formal process of board and commissions and then back to you for council consideration and that will be in the early part of next year. So separating this discussion into two parts, the first one is our review of the temporary water quality controls. These are also known as erosion and saidmentation controls. During -- sedimentation controls. There is a large am of undisturbed soil. So here are the findings. What I would like to do is run you through the findings, where we found shortcoming. I will run you through those without elaboration before the recommendation we have there is no council action required today. This is simply a brief to let you know we completed our work here and we have the recommendations under way. We found a will the of work to do. We found our criteria really focuses on things like silt sensors and burms and doesn't do enough to provide prevention of erosion. We found we have a lot of outdated practices in that manual and hadn't included more current, up-to-date practices. We found in poorly organized and redundant in many places and difficult to interpret, so a lot of work to be done there. We found the criteria manual does not include sufficient fiscal surety to pay for sediment cleanup, if erosion and saidmentation fails and goes into the water way, it would not cover the clear up of that water way. We found in some places our criteria was inconsistent with federal and state requirements. We also found that the plans that are submitted to our review staff of often imcomplete and inadequate. We found that fee for reinspection after development site may fail an inspection is not covering staff cost. And we have

inadequate inspect staff. Our data base not configured for effective tracking of plan compliance. So a lot of work to be done there. The first thing that I mentioned .. and we have now prepared these proposed revisions and they are in the stakeholder process, so I'm going to describe to you what those revisions do. First, additions that we've made really provide additional emphasis on erosion and sedimentation prevention. These require phasing, limiting the number of acres that can sit out there disturbed and at risk when a rainfall event could wash sediment into a roadway. Required stabilization if it sits dormant, and requirement for permanent stabilization of site within 48 hours of the final grading for the site, all things design to do so keep material on site and out of our water ways. The second part is to update our design for saidmentation control. We've eliminated outdated practices we don't believe any more and added new criteria for silt fences, mulch logs and burms. We have streamlined and consolidated this technical manual to a three we're probably eliminating about a third volume. Made it easier to use, easier to read and we hope this is a benefit both to the city and for the development comiewpity. Our pro -- community. Our proposed revisions include cleanup of temporary control failures. Today it covers the construction of the erosion and sedimentation controls and landscaping if the developer fails to implement those two things. This additional posting would pay for cleanup. I mentioned before that we often get inadequate or incomplete erosion and sedimentation control plans. The root cause of that problem we feel is the engineering community that designs these plans does not have the technical training or the testing in their training to be a professional engineer for this very specific area. And so we are requiring a new certification for people who are designing these types of controls. This is a national certification and it is supported by the international erosion control society, or association. It is only requires an intensive one-day training and a test. We are working with that international association to make sure that the training is going to be provided easily and frequently here in central .. we're proposing to phase this requirement in over 18 months so there is not an undue burden on the development community. .. are proposing revisions that make us more consistent tent with state and federal requirements. We've developed a submittal format working with the state to make sure we have a format that will be acceptable by both state and ourty so the development community will not have to do redundant and duplicative work. We're reevaluating inspection fees. They are currently \$50 and we're looking at that, hoping to pay for the cost of staff doing its inspections and also this may serve as a deterrent for keeping these sites in compliance. We need to increase enforcement inspectors. We don't have enough staff. As an example, we currently have about 600 enforcement cases in some phase of enforcement and we have one who is focused entirely on enforcement. Clearly, there is an area that needs more staff. At the same time, we're going to be requiring certification for the development community that is designing the erosion and saidmentation controls, we want our own staff to have this certification and we've begun this process of getting our folks trained and certified. And we've identified please in the data bates that will provide better site tracking so the compliance tracking and enforcement may be made more efficient some of that is a summary of the most significant changes in the erosion and saidmentation control area, and id like to go now to the permanent controls, called water quality ponds, a and what we have found in our review of that particular program. Just a little context for you first. We have two fines of ponds, really based on the land uses. Ponds that are on commercial land uses are built by the owner, they are maintained by the owner, but the city in thes them to make sure they are in -- in thes them to make sure they are in good shape. Infiltration occurs in the second chamber. Then we have residential ponds. We have about 640 of these across the city. In this

case, the land owner or the developer built the pond, the city maintains all the residential ponds, and inspects the ponds as well. We have over 6,500 of these ponds across the city. This is a cornerstone of the city's watershed protection strategy so it is extremely important they are designed well, built well, maintained well and kept in good working condition or we're really not getting the benefit of the requirement. Some maps here to show you a little bit about the distribution of these popples. I'm showing -- ponds. Barton springs is a better type of pond, designed to take all the pollutants out of the storm water run out and they're there clustered in the barton springs zone. They're more difficult to build maintain and inspect because they have pumping systems. We have 265 of those in the barton springs zone. Overlaid in red is the residential ponds, 640 of them. In the central city there is not as near as many of these ponds because most of that development occurred prior to the requirement for water quality ponds. Now we've layered in with the blue dots the commercial ponds, approximately 6,000 of these ponds. Now, we began requiring the PONDING IN THE '70s, PRIOR TO Having the data base technology we needed to document these and the location and the type of ponds, so we have embarked three years ago on a very aggressive project to go through the developmentn, every development plan in the city's vault, and get all the information out of these plans and into our data base and through that process we added almost 2500 bondses to our inventory. So needless to say, if they were not in our inventory, we had not been regularly inspecting them. Some of them are in bad shape. We have quite a backlog of work .. I'll talk to you more about that. Key findings in the water quality ponds arena is that, happily, we have kept the criteria for water quality ponds up-to-date over the years. We've been incorporating cutting edge technology and science into those criteria as we've gone along and we ares can tent with accepted practice -- consistent with accepted practices across the country. However, we do need a process for updating the pond inventory it as increases. We found that our inspection programs are understaffed, relative to the number of policies there are to be inspected. As an example, one inspector is currently responsible for 2,000 commercial ponds. We found a problem with a grow, trend for homeowners associations to want to take on the burden of maintenance. This is a problem because many of the homeowner's associations .. not financially feasible for them and it is a difficult task. We found out the maintenance of our own city-owned ponds on city property that the maintenance is inconsistent and patchingly terms of the quality. Our conclusion for recommendations that we have put into action, actually, the first is that we need to add staff to address the pond inspection work load and backlog. We're currently in the commercial bonds arena about one staff member per 2,000 ponds. We need complete identification of historic ponds and in the data base, which is almost complete, and we need to develop and implement the process for adding newly-constructed ponds to the data base. We have a proposal to amend the code to provide for variable inspection frequency. Currently, our code calls for .. What we would like to have is a variable inspection frequency, depending on pond performance so if we have a very well-bill and designed pond and it is performing well and it is being maintained well, an annual inspection is probably not needed. But if we have a bonds that is a problem pond or not being maintained, we may very well want to inspect it more frequently than once a year part of our recommendation is we need to make our data base more sophisticated so we can easily track that bonds performance and set our inspection frequency based on that. The next recommendation is to limit maintenance by homeowner's associations. And when we talk to the stakeholders about that, we got some interesting dialogue there because what the stakeholders told us is the reason the homeowners associations have wanted to take on that burden themselves is

because they can't or do not want to provide the minimum access and maintenance standards that we ask for in order for the city to be able to easily maintain them, so we've said no, we don't want to do that or can't do that and don't worry, we will maintain the ponds ourselves. Well, what the stakeholders told us that the requirements we have for maintenance, they feel like are too exorbitant and are really more than what should be required, so we committed to going back and looking at those basic minimum requirements and maybe we can meet some middle ground here. What we would like is for the homeowner's association not to want to maintain their own ponds and for us to continue to maintain those ourselves. And finally, we want to clarify the operation maintenance responsibility for city-owned ponds and frankly having discussions with other department about the watershed protection field operation staff taking on some of the maintenance of the city-owned ponds. So here, again, just a reminder of the implementation, steps, criteria, manualing, provisions, those are going with some of our recommendations may change as a result of those discussions, but we're pretty happy at this point in time and we hope that the adoption of some of these will be coming along in february. Staffing levels and fees, we obviously had some goals here. Those will be slipped into the drainage fee study that is going on right now to be implemented through the annual budget process, but know these are not currently budgeted and that a future drainage increase will probably be required for us to realize some of these goals. Internal process improvements, many of them are under way as we speak and in the code changes which are actually pretty minor will be coming back to you early in the new year. I have a team here, as I said, a very large project that touches every area in the department so there has been a lot of people involved so I have folks here to answer any detailed questions you may have about any of these specific areas.

Mayor wynn: thank you, nancy. Questions or comments? Council member leffingwell.

Council member leffingwell: First, I want to say congratulations because when we started this process we didn't know if we would be able to do it, one year or two year, we knew was a big job. We know it has been a problem for a very long time, but as you mentioned initially in your briefing it really came up during the discussions on the redevelopment ordinance which passed the council last october. It was actually recommended for inclusion in that ordinance by the environmental board and by the planning commission and several stake holder groups also recommended that. But we decided, the council decided that it would be best not to include in the ordinance for two reasons. One, most of the material is not suitable for an ordinance. Criteria manual stuff is, as you described that process, it does not come back to council. It goes through stakeholders is adopted administratively and incorporated in those manuals. Very little in the way of ordinance change will actually come back to the council. But more importantly, now, the process that you've gone through, the changes that we're about to adopt, will apply city wide, not just to those potential 199 properties that could be affected by the development board, so this will be a huge environmental gain for the entire city, as well as the environmental zone, including the barton springs zone. So way overdue. I've got to tale very quick story. I remember one time when I was still on the environmental board and another board member and write out looking at a project in northwest austin and there was a residential pond in that neighborhood. And what we found in that pond was a very large tree, in fact, we determined that tree was 15 years old, which told us that that pond had not been maintained for 15 years. So this new set of criteria will address that very real problem. It was always the case with the people in the homeowner's associations who can't know they

were suppose to do so maintain it. And they were waiting on the city and the city was expected they would do it. But now, hopefully, that will be corrected and we can get a grip on that. I just want to thank nancy and i know mike kelly worked very hard on, this matt hol land, chuck, a lot of other folks and i apologize for leaving some names off but you all did a great job and I appreciate it. It is a big benefit going forward. And just finally, at the time of the redevelopment, the redevelopment ordinance, there was a lot of criticism about not including it in the redevelopment ordinance because all these properties would be developed and they would be done and the damage would be done before we ever got these reinvestigations made. I believe it is -- these revisions made. I believe is direct say none of that has happened with projects in the site-planning station or applications stage but none has actually been done so all the properties in the barton springs zone that are subject to development ordinance will be covered by these revisions. So again, thank you very much.

Thank you, council member.

Mayor wynn: further comments? Questions. Council member morrison. thank you for that presentation. I know we're moving in the right direction. I have a question than is some context I need to understand because some of this is new to me, how it is all done. And that is, I'm a little priced to learn the city takes so much responsibility for doing the inspections and maintenance of privately-owned ponds, water quality ponds. Did get that right?

The residential pond, you seen in.

Yes, the residential, we do the maintenance and inspection and for commercial do we --

just the inspection, that's correcting.

I imagine that is rather expensive, if we're doing it. I wonder, has anyone ever considered treated it more like the way the state does, emission controls, for instance. There are certified places where you can take your car to do a ... to get an inspection and we as the users of that have to then provide information to the state or at least proof that we have it, and I wondered if that had ever been considered as a way to -- rather than having the city end up having to finance that whole process, it would be a more user fee.

Well, I think probably the .. the reason things have evolved the way they have is after the developer is gone and all the contractors are gone, there is no one entity to go to. You have a bunch of citizens out there and there is really not a mechanism like there is for the commercial ponds where you go to the property owner to maintain the responsibility for that maintenance. So can't say that we actually considers that and we can, I'm sure that is the reason it has evolved the way it has.

I guess makes sense and I can understand too that we want to make sure that we're requiring really high standards for the ponds in terms of the maintenance and inspection, but on the other hand,ing if it is a huge burden on the budget and we're not able to satisfy that -- into that is what we charge the

drainage fee for on the residential side, one of the things we're charging that for is for that.

That is the drainage fee on our utility bills.

Exactly.

So that is not so much a particular user, it is just a mechanism to bring in money from all the citizens.

On the residential side, exactly.

Thank you. questions, comments? Thank you, nancy.

Thank you. our last briefing of the afternoon is regarding the austin urban whale quarters. [Inaudible] presented to council back in july of this year and at that time council directed staff to go back with regard to that study and seek further public input. You asked us to work with campo, a work, group and those tasks have been carried out and accomplished by the staff that's before this evening so the substance of this presentation deals with having completed all the networking, we're poised given your considering today, -- [inaudible]

thanks, mark. Welcome.

Thank you very much, mr. mayor, mayor pro tem. I'm jim robinson of the neighborhood planning and zoning department and co-manager for the downtown austin plan. We'll be tag teaming this presentation. Or director of transportation will take the baton from me here in a few minutes. We want to cover essentially three topics this afternoon in our briefing to you. As the city manager mentioned, what we want to do is in the first sense is give you just a slight recap of what we presented to you in late july, the results of our rail planning endeavored, and to give you an update on the next steps that we identified then that we have undertaken in the last few months. Rob will then take over and talk about the campo transit working group submit tal that we prepared and we will talk about what we see as being the next steps from here, including in particular addressing some issues that came up just in the last 10 days or so when we presented to the council's audit and finance committee. Just brief recap. Of course, the rail planning that led us to where we are now was done under the auspices of the downtown austin plan which began in april 2007. You may recall in february of this year we gave you a presentation of the result of phase one of that project. Two weeks later, we were here and you tasked us with undertaking some transportation planning for downtown in general, including in particular rail planning with respect to the possibility of rail connections between downtown and some key central city locations. Wewe presented that work to you on july 24 and the three next steps you directed us to continue with at this point were to seek additional public input, to work in the development of a transit working group submittal, based on the recommended system that we outlined in july, and then to come back to you as we are today to present you with that product. A slide or two that addressed sort of placing this in the context of the downtown plan. The number one challenge that phase one report identified for our downtown moving into the coming decades is transportation, not only mobility to downtown but within downtown and that has implications across-the-board for the of our downtown. It

certainly has to do with its role in the cultural and economic heart and engine of our region. It has implications in affordable and social equity and so forth and certainly we have today what is still probably fair to say a downtown that from the public right of way point of view is dominated by the automobile. It is getting in the way of us being able to have a downtown that meets our goals of a human scale, pedestrian oriented downtown. So one of the next steps that we undertook was a series of public stakeholder meetings we held. Just let you know, we held two public meetings for each of the three major segments of the recommended system and we held a town hall meeting and probably another dozen or more sort of stakeholder and group meetings with other organizations. And I don't want to necessarily cover every single thing that is listed in this slide but this isn't summarize occurring themes that we've heard. Certainly one of the things we've heard is I'm industrial serving concerns -- I'm still reserving concerns about impacting our neighborhood. We got a lot of good information, and obviously that information becomes embedded and influences and easy indicates us as way move forward in further developing. This we recognize the crossing of the river by any rail system is a significant enterprise and needs to be done in a way that meets our community needs but also provides the rail operability conditions we need and that is an area we do believe that we will have to spend quite a bit of time moving forward. A lot of people said this is great, I don't happen to live in an area that is immediately served by it. When can you get it to me. And so obviously one of the bad things is where one thing we take away from that is let's make sure we design a system that is expandable, that is the backbone for a system that may come after this. Other things we heard, we had communications with the university of texas and other stake holders, and it confirmed our view that the preferred route through the university of texas is san justin -- jacinto. Some major public facilities in the ut campus, used by other than faculty, students and staff, the performing arts center and so forth, they would be readily served by a san justin route, and it calls for that being the growth area of the campus going forward with replacing surface parking lots and underutilized portions of track in that campus. .. and this has been first and foremost in our mind as we move forward, what we're looking at here is a system. While the focus has been on rails, bus transportation will always and key component here. And what we're trying to do is design a system that works in tandem with a bus system that probably only grow in capacity over time. There are some advantages that rail has over bus, a few of them are listed here. A couple that I'll site that maybe elaborate on just a little bit, is one thing we've learned in the united states over the last couple decades is there is a track record now for an increase in ridership for rail systems. In other words, when you trade out rails for bus in a corridor that historically has been served by bus, you end up with more riders, in other words people that will ride rail that won't ride buses. One that I tried to emphasize and in our public stakeholder was the environmentally friendly nature of rails. .. a system that operates on electricity to the extents you introduce solar, wind and other renewables into your portfolio then you are powering a system that perhaps can be powered using various forms of renewable energy. The big one is the ability of rail to influence land use in a way that really no other transit can in terms of trying to leverage a rail system with other community goals, such as providing low density, segregated use type of development pattern. Now, I'm going to segue in a minute to turn over to rob, but one of the key thing is always want to try to remember is that this map on the right in this slide shows the red line, the 32-mile metro rail system that will begin operations in late march, going from leander to downtown. Other dark lines are other existing rail lines or rail corridors, union pacific line on the left. These are all either soon to be existing or potential commuter rail

lines. These are lines that would bring people into the core of our city from destinations as far as 10, 20 or 30 miles away. That begs the question then, how will the people circulate once they reach the core of our city. Not serve going to be in the luxurious position of being able to get off a commuter rail downtown and walk to their destination that's where the recommended systems that we have deposited for you comes into play. Providing good mobility within the core of our city. This is exactly what we briefed new late July. What the recommended system is a ... what we're calling a modern streetcar type system, really more of a streetcar, light rail hybrid system, about 15 miles long. It's a system that could be operated mostly in dedicated or exclusive right of way. It would be occupying a space within the public right of way that is reserved for rail vehicles and is not shared with automobiles and so forth. It is a system that also enables us to preserve essentially eat equivalent of the roadway capacity that exists on those roadways today. Functionally, it will streets of two -- it consists of two overlapping routes from sea home to the miller community and from abia to the university of texas. The system, in terms of designing the operational characteristics of this and pricing out the number of vehicles and so forth, we've assumed that each of these legs would operate at 10-minute segues. A rail would come by every 10 minutes. A key aspect of this in the cdb state capital area ut, rail vehicles would be going by about every five minutes. We also proposed services in that area on evenings and weekends. At this point, I will turn over to rob who will then sort of pick up and explain the transit working group submittal that springs from the work we presented to new July and the additional stakeholder input we got in the intervening months.

Thank you, jim. Welcome.

Thank you very much, mr. mayor. As jim introduced, we took the design for various rail concepts to the region for review. The decision tree is designed to establish regional significant to transit projects. It certainly encourages regional discussion so we're about to initiate that regional discussion work your permission, of course. I've got to say this is unique to central Texas. In saying that, I think the planning organizations at campo realize this will be used for future transportation projects to bring those projects into the regional land and that is both rail and potentially roadway, will follow a similar process. The decision tree is divided into 11 questions that the proposers are asked to respond to. I grouped those 11 questions into four areas and let me give you a very brief summary of what I believe the response is. This morning, we delivered a copy of the proposed responses and we're ready for that response for staff review and move forward on that the first set of questions asked by this decision tree relate to the process, asking if it is accountable, if it is transparent, what type of legislative activity might be anticipated in the future and what are the governing entities. Our answers to these, you will see throughout the theme are positive answers, we answer very well on all questions. This starts the back when capital metro started the analysis, a public process. It continued through the city's process with the downtown planning process and the road ahead, if you will, also allows itself to be very transparent and public as we go forward. Will elections be needed? Yes, elections will be needed to realize this vision. One of two type elections may be required, or both. Funding as we start to talk about funding, if city funds in terms of policies or whatever arising about to be pledged to realize this vision, certainly we will need to come back to this body and ask for permission to go to the voters and ask for that authorization. -- That authorization. And capital metro is involved in terms of operating the system, and/or helping to fund the part of the system there may be a vote required to authorize their

participation. Governing entities. Clearly the proposed plan is completely in the jurisdiction of the city of austin. We believe the city of austin should be front and center in terms of the long-term management of this facility. Capital metro is the regional operator of transit and has certain expertise we believe should be at the table as well. We believe those two entities should be the governing bodies as we move forward. I would also say the proposal we've preparedone with capital metro than is an extension of that historic cooperation. The purpose and benefit of the project, again this is questions related to the mobility, environment health, quality of life issues and attributes of these systems. And the answer here again is yes. 3-mile system has a range of positive benefits. In the year 2030, our estimate year, we believe it will have 30,000 passengers this is a transit rich opportunity it definitely generates positive economic benefits in the identified corridor. We looked at number of available parcels in terms of needing to be redeveloped, underutilized right now, many are say cans parking lots or facilities obviously ready to be developed at some point in the future. It also connects major destinations and thing goes to the basis for the quality of life. As jim introduced the regional metro rail system will get folks from outside the region to our center city but we really need a way to con expect that system as well as our regional airport and other regional areas to major employment centers, those being the university of texas, capital center, capital complex and central downtown areas. So very positive in terms of benefits. Project costs. There is a range of questions related exactly to various aspects of the costs. 2 miles in 2,008-dollars, and again, this is preliminary is about 25 million for the full system. That is on par with other transit systems of this sort and very competitive, we believe. It could be less than 625 million if we use shared lane, meaning that vehicles would operate in the same lanes as the rails in some place, that is typically cheaper than providing a guideway. Indirect costs, of course, we can think about the indirect costs that might cause impacts to business owners while the discussion going on for resident, we believe those can be minimized by a construction technique of block-to-block, you're not constructing the whole corridor, only several blocks in a time. Participating jurisdictions in terms of the financing and costs, we believe we have a model to attract both local, state and federal funding and I'm going through later in my presentation. Same thing with financing. We believe there is opportunities all the way for levels of government to participate in this corridor. The last set of questions revolved around implementation. What is the project's time line, should it be phased and so forth. Those type of questions. We believe that there is a logical four-phase step to delivering a system. Leapt me walk you through that -- let me walk you enthusiasm the first phase, as jim talked about, is the backbone phase. A central phase of that 3-mile corridor about a 447-mile rough flee length. It would connect sea home, downtown complex, university, a new station on the proposed metro red line. It would also america the first crossing of lady bird lake to the south. This is really the heart of the system. It connects up the metro rail lines coming into town. It gets all the major points in central austin connected. The second phase would be that lawn center out to about cesar chavez. The third phase would connect on up to 51st street, and the fourth phase would connect out to the airport. Now, let me make a statement here so everyone is aware of that. After you build the backbone piece, the other three phases don't have to be built sequentially, they will be built simultaneously, at the same time, but that first piece really is the logical piece. You've got to get in before you run the transit throughout heart of austin. We numbered them one through four and it wasn't intention tool imply sequential. However when you look at these set of phasing, the total project, I will come back to that,s asaid can be a little bit in four phases. 32,000 Estimated ridership, and end costs about 21 to 23 million. But if we look at the phasing, we can develop

a couple of different phasing plans. We can look at that look at it strictly sequentially and that gives us a pretty long build out time of 10-plus years. We can start to stack those phases as I indicated and go in draw that down into the eight-year time frame that includes that initial design phase. Now, depending on the policy direction that this council is to give over the next number of months that can be considerably shortened. And when I say policy direction, as we start to talk about funding mechanisms that will start to dictate highway fast we we can build this. That is in a sense, what I'm talking about it. We can probably build it as fast as five to six years if we really had the money and all the approvals yesterday. Now, the submittal that we're making to campo is what is called a phase one submittal it will not have detailed financing as part of that submittal. What it will have is a checklist of potential funding mechanisms so the slides from here forward is thinking that has matured since my presentations in audit and financing committee, when one of the council member asked, well, can you biff us a little bit more -- can you give us a little bit more detail how you finance this, and ask about federal financing. We've done some investigation so if you'll bear with me through the next set of slides, thing is pretty interesting. If we understand the full system 3 miles if in fact we seek federal funding. Right now it is a competitive process, it will continue being a competitive process. The best we can probably is about a 50/50 split. 50% Local and 50% federal, that is pretty much the going experience out there. What is interesting about that is phase someone just about 50% -- phase one is just about 50% of the project. What that sets us up to do is if we fund phase project we a lous us to start faster than the federal process would normally allow it septembers sets us up for the federal funding, maybe a full 50% if we're so lucky to get the full 50/50 funding. This requires special legislation, requiring fda to observe that first investment as a local match. If it turns out miami, san francisco, houston, and now salt lake, have done this. In fact, with the reauthorization, my understanding, this may become standard practice with the federal fda process if a region can fund early phases of the process, fta will count that towards future funding. Now, the other challenges are that the future phases have to compete on their own merit than is a whole list of items that requires the competition. This is not a slam dunk getting in there. This is not an earmark, it is direction to an agency to observe how the locals act. As I've said, there is good precedence out there. We do have to follow the federal process in terms of federal acquisition rules, environmental rules and so forth. But the typical extended time frame generated by the federal process is eliminated here. It allows you to go ahead began into that first phase that then allows us to prepare the required federal process through subsequent phases while we're doing phase one. That is that overlapping of the schedule, we get to take advantage of federal funding while at the same time maintaining it on to our schedule. Let's go one step further, how might we fund this phase one, local funding. One obvious approach might be to theoretical bonds. The city manager talked to you previously this year about the bond to take care of roadways. If we look at some thee rett well bond, I don't have -- theoretical bond, if we funds 100% that eats up a lot of our bonding capacity in the future than is not-room for other activities, other than modal activities or other facilityies. We have an advantage with this facility, we think. Things going on with transit right now like buy in with other jurisdictions, a public-private partnerships. All of those count at local funds so what that does essentially modifies this future theoretical bond to allow you to still participate in the bond process but that rail become as much smaller piece of that overall bond from says and that opens up capacity for this organization to fund the road we have for other thing, other priority that community might have. So let me suggest some recommended steps. We would recommend following through on your direction to the city manager and submitting the

response to campo transit working group. That is a step one submittal, just to remind you of that does not include a detailed financing plan. My understanding is catcho staff will do an internal review of the data and documenttation. If there is question, they will send that back us to. They will provide an analysis saying this is ready to began that starts the process by this recommendation group to go back in and sit and make recommendations about the proposal. The outcome, assuming that get a positive recommendation, the outcome, is my understanding this opportunity has merit. We would like you to go ahead and your discretion and develop it further. That's what I would like to talk to you about in the subsequented recommended steps. As we've been looking at it, we believe the critical tip of keeping this project moving forward is to initiate engineering and environmental documentation. We're suggesting we could start that as early as february. We believe that through the 2000 mobility bond by reorganizing priorities and looking at primarily looking at some rebates that we believe are owed to it's by the texas department of transportation for toll road participation, we believe we can secure funding to proceed with this at your discretion, of course. What would the preliminary engineering and final document do? Well it would certainly facilitate an on going and communication it would answer many environmental questions and certainly stay in step with the federal process and it would give us much better information towards informing a future vote and future city council in terms of making a decision to move towards that, should you choose to. This would really jump-start, if you will, the rail delivery process. This is the next in the time line. Parallel to that, we would recommend to continue developing or initiate a detailed financing plan. If we are working within a model that, okay, bonds may have to play a part of this process we knead to start negotiating with other partner, developers and so forth that might help us pay down that local share so that local share is mixed. I will tell you that is not open, that is a drawn out activity that may take a year alongside the preliminary -- following that, then of course, the next step would to be seek the necessary voter approval. We identified that as to be determined, scheduled, that is clearly a policy decision. Assuming a positive vote is some time in the future, this process would need to be included in the campo plan. Along this corridor are two places we believe a federal decision will be made, mean 100% local funding is used. That is across the river. Crossing under i-35 will probably require a decision on the their part. That is just a process that requires us to jump into the national environmental protection act which we would be following. What is interesting there is which federal agency would be the lead agency. It would probably not be the transit administration, it would probably be the corp of engineers highway administration so that could also help our schedule. And then, of course, at some point you would be at a point you would make a decision to design, build, plenty the design process and going through bid/build process and talk about how you would deliver it. That is the end of our presentation. If you have question, I will call jim back up to answer them.

Very impressive. We set the stage for about a year ago that senator watts and his chair of the campo board suggested the campo working group and the board members and other stake holders and community leaders. He asked me to chair that and we spent six or seven months in meetings virtually every week. The first move is to create that decision, that is to try to get a framework where by potential transit projects would be reasonably, objectively measure, qualified, quantified in theory. We completed that work. The good news, bad news. The good news is it will clearly raise the bar in the amount of information, homework that has to be done prior to a submit tal. The bad news is the t has

fundamentally slowed down what was -- [inaudible] I believe ultimate three was the right thing to do somebody like the city or the county or metro has sort of the where with all and resources to answer as many of those details questions and decisions as possible to submit to transit. It makes the work a little easier. Hopes to be more effective when it comes time to evaluate different potential proposals. And the campo staff with the help of the senator has real resources at the preliminary analysis after a submittal, and then to present that in a different format to the working group than us as elected community officials to come up with this analysis. I appreciate everybody's patiences and I applaud the work the previous council has given to allocate the resources and to be as defined as it is. I appreciate the manager and his senior team participation, urban planning and otherwise that really took their thinking caps on to come up with what I think .. Refined beginnings, of what hopefully will be appropriate, opening real dialogue. I guess I have one question what have I saw, I will hope it for questions and comments. On one of the slides, rob or jim, I think it was talking about costs, there was the line site emor indirect costs. And the implication there, you know, intuitively most people think about that and think of it as a given, right. As an expense. Additional indirect costs that you might not be considering again. I'm respectful of that and we need to make sure we understand indirect costs. Tame, thing is the opportunity for a credit, if you will, the whole concept of infrastructure generally, and for instance, if .. Seemingly a potential future reconstruction projeb already plans, assuming we have six or eight or 10 or 15 blocks of a major corridor in town under some form of reconstruction almost constantly, much to the chagrin of many commuters in town, whether it is utility upgrades, we're constantly going to do storm water and sanitary sewer upgrades all over town. I would expect that however judicious, we can overlay the larger seven, eight-figure projects, and to the extent that erosion was going to be torn up at some point in the not not too distant future. You will have water line, sewer lines, urban design lemes incorporated that would be an opportunity to overlay the real project tame. The concept of indirect cost and the debit associated with something that is not obvious to the project itself, an opportunity to find some credits and save money over the long-term when it comes to other --

absolutely. Both portland and seattle used that very method in terms of helping to pay for this system in some places, they had roadway projects already planned so this .. their rail systems in some blocks were additions to the original rail system, or not rail system, the original road system being built for the utility projects and the rail become part of the utility project for that block. Getting back to the decision tree. As you know, there is a learn process for the region. It along with the proposed submit tal for the line, we've answered these questions as best as I can understand them so I'm sure there are additional questions coming back to clarify what those one-line questions meant in terms of costs.

Further comments? Questions? Mayor pro tem.

Excellent presentation. And in fact, I know that those of us in the finance committee, you need more information today so this really is helpful information. On the phase one of the project, how many miles long is that projected to be?

You know, I read that just before I came down here and i 4-miles in length, roughly.

That's, what, \$125 million? Is that 135? What is it?

Phase one is 290.

Phase one 290.

Yes. And I got to admit that that is one of the more expensive pieces but you're going about through the most built-up area. That will benefit us later, assuming we're going a federal process in that we're transfer transferring relatively high-cost pieces to that first piece. The bridge, for instance, whether we retrofit, it doesn't generate a lot of ridership but once you transfer that the subsequent low-cost piece ends up in a high cost rain showers glow federal speak.

Is that a reflection in part that purchase price of the cars is embedded in phase one and they can be used or is it just all the infrastructure is downtown and bigger, more constrained than it is worth to create.

Yes to all of the above. As soon as you buy car, you have to have a maintenance facility in the system that rider cost embedded in that first phase about could become a local match. And the extra costs going through very densely built-up area, so yes.

Just running the numbers, what that comes out to \$56 million a mile for phase one and I just want to give a equipment comparison that we've gotten on the campo and on the 290 east toll road, which I also support. The 290 east toll road was projected to cost \$298 million in 2004, and now projected to 5 million, it is matted to have initial rider ship of 12,845 people a day and the 209 east is expected to have 67 million per mile. That is a comparison, \$66 million is a lot of money per mile. It is half as much at a new toll road. It carries a lot of people. They're both good, its' just that I want to put in perspective that as a relative matter is still quite a bit cheaper than the high-capacity highway.

Yes, sir. As you add the sub consequence pieces and ridership grows that price per mile and price per passenger starts to spread out. You're dividing it by more people. It is not unusual the first piece tends to be more expensive.

That's try. Some things that mate be helpful to us as we segregate out cost item, and also funding opportunities. One of which is it looks like some of the rail line will travel through a phase one, at least will travel through the waller creek district, and there might be some opportunity, particularly as the waller creek matures down the line, that you might have an opportunity to derail will certainly accelerate the tax increment finance district, I want to make sure we are looking at it to say if this is a piece of infrastructure that helps active accelerate development in the tif zone that infrastructure become as helpful part of creating a zone, a classic situation that could be potentially justified investment of tif funds. Again, I don't know they would be available, we just need to eral wait it and -- evaluate it and we will make sure we look at that another helpful thing four us for us to dork break out and segregate the costs, how much of this cost is electric line installation and how much is projected to be electric utility .. How much is water utility relocation and waste water line, how much of this is based on the purchase of

the vehicles, and how much of this is allocated from a road reconstruction. You can see okay, say hypothetically, \$290 million you say in 30 million of it is going to be ip stalling electric lines where I income-producing assets for austin energy so we can make a fair analysis of whether, you know, they are getting income-producing assets there might be a cost-sharing arrangement there.

Absolutely and that is one of the critical reasons I would recommend we move into this detailed engineering and environmental planning activities because that lin form. This we have all of those in a very gross level rolled up into these costs, many of them are based on average cost per mile taken from other systems and brought to austin in terms of transfer costs. But as you move into this next range, you will get much better information all be able to develop a detailed build up cost, so that everything, every cost item you just mentioned will be aligned out of costs. As we start to analyze construction costs which we will talk to campo about they will have to sort of price of inflation. But we didn't bring that number to you and that is look liking at your mortgage and what is the cost at the end of your house purchase which is whatever the increase is.

And for the build on the mayor's point, why it's so important ge forward with the plan thong because we're look -- we go forward on this because we're start nothing matter what and this planning is stuff we need do but for instance we're doing a lot of new water line construction in the urban core as we intensify in growth. One thing we wanted to make sure we did is know, as we planned the rail system, do we want to send those, if we're going to send \$25 million for water lines, we don't want to put them right where the rail lines is going to go and charge the rail for the cost of relocating them when we could have had them pay for it more than once. The water utility is going to build the line anyway, so let's sync that up. They have to build it anyway.

That is right. If you have to cut the street, you have to rebuild street anyway and that is the time to put in the rail as part of that. Absolutely, the lodger we wait because utilities and actions will continue to happen out of our control, they just happen, it is possible that opportunities will start to close off as we go forward. The faster we move into that preliminary engineering, that is better.

I don't know the answer to this question, but something i think would be helpful to evaluate, as we look at road reconstruction projects, more thop alignment, I think it would be helpful for us to understand whether it might make sense to, you know, embed the railtracks and if we're doing a road reconstruction anyway and this is part of our future planning. [One moment please for change in captioners]

McCracken: I think we've seen the public says they want and what the council says they want is dedicated lane rail systems. So the question has been asked, okay, you say you can get dedicated lane systems without taking away existing lanes of traffic. I want to see it for myself. So I think having sketches for us to eyeball what that would look like I think would be helpful for all of our inning as we go through the public involvement process.

Yes. Absolutely. And I believe the riverside corridor planning process as well as the downtown process and of course the capital metro process from before has a number of sketches, and then as you move into that next those all start to come together and to plan. One thing I would like to step back and make

sure everyone -- this might be self evident. Yes, you can start to plan to put the rails in the street as you have the opportunity, but because this is a system, we really need to get out in front of that opportunity of construction. Neighborhoods say this looks really cool. I would like my extension to the west campus or the brackenridge property or a variety of other places. You have to make sure that the core system has the capacity to handle those additions or we build ourselves into a potential be constraint.

McCracken: I think you've raise add good point. Let me say that at the mueller redevelopment, catellus built that development with the vision of a future rail system, so the utilities were located in such a way that they didn't conflict with a future planned rail alignment. And so that my expectation of looking at and from our planning effort water and wastewater mueller is it would be probably cheaper to build the rail portion at mueller because we did the utility planning and the roadway planning to accommodate rail in the future. So I think you're spot on.

The answer is yes, it is cheaper.

McCracken: And the final thing I would say is the "new york times" today has an article on energy costs and said that the world is going to be -- this system, the federal government, the united states federal government which has not been particularly sympathetic to the idea that oil supplies are tightening and they are saying that after looking at the world's 800 oil fields it will be a serious challenge for the world to maintain current levels of production, not to mention expected future growth in demand. What that tells us is that to be responsibly planning, we don't want to put all of our eggs in the basket of everybody having to drive petroleum-powered vehicles. If we are planning and planning the financing and the engineering so that people can have a choice, it can end up saving them a lot of money. We will be looked on well by austinites in the future to keep moving forward with this planning right now. Thanks.

Mayor Wynn: Councilmember cole.

Cole: Thank you, robert, for excellent, excellent, work. I think it's important. I have a few questions for you, that we recognize that this council is embarking on an action of a comprehensive plan. And we already know line running from leander into downtown, but we also know that this line is four phases, but it will cover the downtown area out to mueller airport, out to riverside and then out to abia. And I also think it's important to point out that the union pacific rail work is going forward and that would ultimately connect with the seaholm line that is just downtown right ajay to our green development. So I really appreciate it in your presentation where you talked about multimodal transportation and that we are now really embarking on looking at this as a comprehensive plan that we're putting in to phases.

Absolutely.

Cole: I wanted to ask you about the new start funding that you mentioned.

Yes.

Cole: And some of the other cities that have been successful in doing that. You made a statement about

the fact that this would not be a, quote, earmark, but it would be a direction to an agency. Can you explain that a little better? When I say that, what I mean is it would direct fta to observe a current local investment as local match in terms of competing for federal funds in the future. So to give you an example, i believe san francisco is building an extension to the airport. They were already under construction when they embarked on this same strategy, had it written into safety lieu and then were granted on subsequent competition for federal funding for other rail lines credit for that local investment that they made. Similarly houston, as you know, embarked on the dome to downtown. They are currently using that investment as local match for I believe their richmond line and perhaps another line there considering that. Salt lake did something very similar through legislation. They negotiated with fta to pay a very large share of the first investment on the rail line that they are building now and then they will enjoy on subsequent lines a larger federal share than they might otherwise have gotten. And I can't tell you those percentages. I don't remember. So it's really a negotiated concept that's worked out for a unique urban area. There are not many urban areas that can fund systems at least to get started on their own. That is an interesting new thing, but there are cities that have started to do that. You add portland and seattle and so forth. So it only seems reasonable that if those comurnts competing in the future to go ask for at least consideration of those funds. You still have to compete that's why I don't call it an earmark. It's simply direction to say hey, these folks have already invested money counted towards that local match.

Cole: And am i understanding you that it helps in that competition process if we have already committed like 50% of the -- I think you said it was \$290 million up front -- go ahead.

Currently there are benefit costs, criteria in terms of obtaining funding in the new start process. And in a sense you are adjusting those benefit costs aishios or those -- ratios or those equations in the project by paying down the total amount of federal money that you are asking for. The other comment that i made is we're taking pieces that in and of themselves don't necessarily generate a lot of ridership. For instance, a bridge across the river. But they're inherently necessary to get to the ridership generating pieces in riverside. So again, that adjusts the equation in our favor.

Cole: So if we look at the first phase in terms of the 290 million that we're trying to raise ourselves, and then taking that section by section looking the our bonding capacity, have y'all did any work in terms of trying to figure that out?

No, ma'am. That's what we need to do in terms of a detailed financing plan. We are just really at the front end of that.

Cole: Okay. So within that potential 290 pot of money where you say we could use bonding capacity and public-private partnerships and perhaps tif's or other items, can you tell me anything about the public-private partnerships. I was particularly struck by that. How would that work?

Public-private partnerships in the transit industry do not generate their profit necessarily off the revenues raised through the far you have to find a different way to generate that through the profit sigh. If there are large t.o.d. Communities, a large private developer might come in and say if you give us

rights to this -- exclusive rights to , we'll in turn build a portion of your rail system on your behalf. So unlike the toll road system where there's an ongoing surplus of revenue that covers the full cost that can be used as a profit motive, you have to just turn and find another profit noift. So that's the public-private partnership approach. I'm sure there's other models. That's the one that comes to mind.

Cole: When you talk about doing other work that needs to be done, like the preliminary engineering plan, is that something that we will do in-house or is that something we would have to contract for?

No. I think it is something we would need to contract for. It is -- that's the standard process. We do not necessarily have that expertise in-house. I would recommend that they would probably -- there would probably be a series of contracts that we would come back to ask permission from council to move forward with. One would be an environmental contract. That needs to be separate from itself, from the others. The others would be the engineering, the early engineering stuff where you would do the appropriate surveys, you would find out where the utilities were, you would get good cost estimates. You often want those to be two different contracts so that there is no conflict of interest between the two. And then a third one might be a full alternatives analysis about how to get across the river. And I think that could be -- those could be run as three contracts on a fast track, if you will. Partner the pun, -- pardon the pun, to move that forward.

Cole: Would we also need a contract to consider the other transportation multimodal items that we talked about like streets, maintenance, biengdz -- bikeways and that type of thing also?

Those pieces I'm not sure that you would. And I may be speaking a little bit out of turn here because I think those elements our public works department, our transportation department have a pretty good feel for the type projects. What we need -- that would go into a multimodal bond. The rail project is somewhat different because we really have to define what it is and define in terms of harder engineering numbers so that we can get good cost estimates.

Cole: I appreciate your hard work on the rail project, but also the fact that you're also looking at the other items of transportation that we have to consider.

Yes, ma'am.

Mayor Wynn: Further comments? Councilmember leffingwell.

Leffingwell: I would also say thanks for a good report. I think we've got a good start here. I think the routing you've laid out makes a lot of sense the potential phasing makes a lot of sense. And addressing the most important needs first and gaining the important financial benefits first also. I had a couple of questions about funding. And I think you've already answered them. The 625 million, that's in \$2,008?

Yes, sir.

Leffingwell: So -- and I know you said -- I think you said that you wouldn't buy a house that way -- you

wouldn't pay off your mortgage that way, but yet we're probably not going to start this project for two, three, four years, something like that. So maybe it would be useful to translate that \$2,008 to 2010, \$2,011 because it could be substantially different. And I believe councilmember cole brought up the point about bond capacity. We just had a bond issue in 2006, and I think historically we only do bond issues every six or seven years, so this would be in the nature of an interim package. I think we did have some capacity left over in 2006. I'm not sure what that number is, but that would be a really good number to have, and it should be pretty easy to get. I saw our bond counsel at the audit and finance committee, I thought he had it in his back pocket, but he left before we could ask him any questions. I was a little intreed about the statement about governance, and you referred somewhat loosely, I guess, to a coalition of city of austin and cap metro -- we're not talking about getting the city of austin involved in actual operation of the rail line, or has that decision been made?

No. The operations, how we operate it, I think, no, has not been decided. In fact, I think I would tell you that that decision point does not need to be soon. It can be several years out. The reason I say that, if we look across at the models of how modern street car, urban rail, have been implemented, there's two interesting models out there. Portland has formed a nonprofit organization, a 501(c)3, that they sit on the board as does the regional transit agency, and they run the street car through that agency as the operator. Seattle took a very approach. The city actually built and owns the facility and contracts with the local transit authority to operate it. I will tell you both models allow the city because of the ownership values to stay in the process. There is an advantage for the city to do the construction and the ownership because of course many of the utility issues belong to our own organizations and that allows us to --

but it occurs to me that potentially there's an advantage to forming the nonprofit too, even though the city would be the majority shareholder. Give other local entities the opportunity to , for example, that would derive substantial benefit and also travis county, perhaps not aid. They've got other issues, i know. But there may be others that would be identified. That will be an interesting exercise to find out about that. But I assume we are talking about cap metro operating, actually operating the line, operating the rail line?

I think that is a possibility. My understanding that that is really -- that they actually hire operating companies to operate on their behalf. All of that needs to be thought and worked out. I only point out those two models, those two models of how it's operated. Leaf they would have al -- operational control, i assume. We even get into that today. But the operating costs are substantial. It costs -- it doesn't make money, it loses money. So the previous estimates that I've seen contain those operating costs in like a 20 year buildout of the line. It contains 20 or 30 million' worst of operating, but this does not, I assume.

The way the campo transit working group asked us to respond is they asked for capital costs and then an annual operating cost. And we have I think it's 21 to \$23 million operating per year on this line. And then it asks for a cost per passenger. So what we do is fta, federal transit authority, provides us with factors that analyze the capital cost. We then add that with the annual operating costs to make that comparison. One of the struggles we found with the campo decision tree is that right now our ability to project rider ship really focuses on 2030. We don't have the regional tools to decide, okay, we're going

to open this in 2015, so that's when we're going so we have to sort of use a little bit of apples and oranges in terms of the rider ship and the dollars. We've tried to be very clear. I was involved in the report to campo working group on the manor-elgin line. We've been very consistent between those two so if we can't be 100% right, we're at least very consistent.

Leffingwell: Well, i think estimates that I've seen in the past, cap metro's contribution to the system was the annual operating costs, and little if any capital costs.

That certainly is to be negotiated.

Leffingwell: That's one moalingsdz. I realize that we have more questions than answers at this point and be that's the reason for the process you're about to go through, and again tngz thangz for a good presentation.

Thank you.

Mayor Wynn: Councilmember martinez. Mar mayor, I just had one question. Robert, you mentioned some of the items we might theed neisd to fast track in term of the environmental study and in terms of some of the other different studies osh design that we need to start right away. Do we need to do some type of economic impact statement for residents and businesses along the lines as to the impact that it may have on them?

Well, economic impacts are part of the environmental process, the environmental goes beyond trees and animals. It is a community impacts and social impacts, and that would absolutely be analyzed within that. When I said fast track, if we were proposing to enter the federal process through the traditional means, there's a series of steps that you have to go through to get permission to get into that system. I presented some slides that audit and finance that showed two systems. One that -- they're both about the same length, one in seattle, tbhun tucson. The one in seattle went federal, the other went private or local funding student system took about twice as long to implement. The process and the jumpstarting, if you will, comes from going this other route that these other four metropolitan areas have seemed to find, and that is to start it locally, but request the fed to look at it. What that does is it passed that back and forth permission step and get us right into the process. There's still the risk that your subsequent phases don't qualify. One idea is to take that first phase when we ask for that legislation and make sure we can use that local match for any future rail system that might be developed here in the region so that we can make strategic choices in the future as to where do we best place that local match against.

Martinez: So as part of the environmental impact study, there will be some form of looking into tax implications, rising property values, declining property values, things of that nature for thoaks folks along the line?

Yes, sir. The first thing we do is to identify what all the issues are in term of environmental and community impacts. And when an issue is pointed out, then the process analyze that until we have full

disclosure of what the issues are and hopefully mitigation if it's a negative impact.

Martinez: I can't remember the response. I think I asked this at awlt and finance, but when you made the comment that we may need federal permission to go under i-35, it kind of, i don't know, baffles me that - because I don't recall us having to get permission to send the red line under i-35. Can you explain the red line that's about to open?

Because that was already there.

Martinez: Because it's already --

it's already there. You're just changing the operations. We're introducing something new. I don't know for sure if the federal government will request a federal decision, but it's a high likelihood that they would.

Martinez: All right.

I'm not afraid of it, let me put it that way, but if it happens, it happens.

Mayor Wynn: Further questions or comments of rob or jim? Again, very impressive beginning to what might be this sort of formal transit working group process, and i really look forward to the continuation.

Okay. Thank you.

Mayor Wynn: Thank you. So obviously, folks, we're running a little bit behind this this afternoon. Tech flick what I need to do now council is to recess this meeting of the austin city council. Quickly call to order this meeting austin housing finance corporation board of directors meeting. We have modest agenda that is even more modest because item number 6, the executive session item has been withdrawn from the agenda. So we have a five-part agenda. margaret shaw.

Thank you, mr. president. My name is margaret shaw, I'm the finance director of the austin house be finance corporation. We have five items on the agenda today for board approval. I would like to offer these five items on consent, but i would also like to speak briefly to each item. So highlight for the board and the blict wide range of activities that the corporation undertakes to help lower income families enter stable safe, affordable housing. By your actions today, more people in austin can exit homelessness and move in to assisted living. Others will be able to keep their apartment or move into a one and still others will purchase their first home for the first time. The first item would approve the board minutes from september 25th, 2008. The second agenda item authorizes the corporation to enter into a 50-year ground lease with the chestnut senior housing corporation for the unimproved real property at the corner of east martin luther king boulevard and em franklin avenue with an option for the chestnut corporation to purchase the property at the end of the lease term. The ground lease ensures that the ahfc's property tax exemption will continue, thus reducing this project's operating costs over the term of the lease. The parcel with city surplus land which ahfc offered publicly for redevelopment as affordable housing. The

chestnut neighborhood revitalization corp was the only eligible respondent to that request for proposal. They will build units to serve elderly residence with incomes of no more than 50% of the area median, which is about \$28,000 for a household of two or 25,000 for a household of one. All 21 units will be fully accessible and supportive services will be provided to those residents. Item 3 would authorize the negotiation and execution of a loan to an affiliate of austin habitat for humanity with the roughly \$230,000 in funding they're going to acquire three newly constructed single-family homes in southeast austin to sell to low to moderate income buyers. A habitat family typically earns less than 50% of imleend family income -- median family income be, which is about \$35,000 for a family of four. A restrictive covenant on the property will ensure long-term affordability. During the affordability period if the buyer wants to sell the home, habitat will have the first right to purchase that home for another low income tier habitat does not wish to purchase the home, the initial buyer will have to sell it to a low to moderate income buyer. Item 4 is an exciting proposition for those of us in the housing world. It would approve a resolution authorizing the staff and our legal representatives to apply for an allocation of up to \$60 million in emergency volume cap for multi-family non-recourse bonds. This authority was authorized in the federal housing legislation that was passed this summer. The housing economic and recovery act, which allows housing finance corporations across the country the flexibility to fly for this bond allocation without designating projects in advance and to take two years to close those transactions without penalty. These bond funds combined with non-competitive housing tax credits from the state will create or preserve up to five apartment complexes that serve families earning below 80 percent of area median, which is about 56,000 for that family of four. I'm happy to report that with this action today, austin will be the first housing finance corporation in the state to apply to the texas bond review board for this authority. And last but not least is an item 5, which would authorize the negotiation and execution of a three-year contract not to 7 million with the housing authority of the city of austin to fund and administer our tenant-based al assistance program. Tbra provides crucial and essential rental subsidies and/or deposits to more than 100 families annually through our partner agencies of salvation army, caritas, safe place, life works, austin families and foundation communities. The austin housing finance corporation has been administering this program for us since 1999. With that I offer all five items for consideration on consent by the board. Thank you.

Mayor Wynn: Thank you, ms. shaw. So board, I'll entertain a motion to approve the proposed consent agenda. Motion by board member shade. Seconded by board member morrison to approve the consent agenda as proposed by staff and as margaret points out ltd even though it's only four items, plus the approval of our minutes, this shows the breath and the spectrum of the work that the housing finance cosht is doing, everything from direct loans to taking city ex--- excess city land parcels and allowing for senior affordable housing to and through this exciting opportunity that's happened to bonding authority capacity for thousands of units in the area to be b.

Exactly. I would like to say I'm very proud of my staff for being the first ahfc to put this authority. It was only pass understand july federally and they've jumped on it and put this agenda item on. So we're really excited to be the first in texas to use this authority.

Wynn: Good. Motion and a second on the table approving all five items on consent agenda for this ahfc board meeting. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion

passes on a vote of six to zero with bloampling well off the -- with bloampling well off the dais. There being no more business before this ahfc board meeting, we now stand adjourned.

Mayor Wynn: I now call to order this meeting of the austin city council and welcome mr. greg guernsey.

Thank you, mayor and council. My name is greg guernsey with the neighborhood planning and zoning department. I'll walk through the items that we believe we can offer for consent at this time on 00 agenda of zoning ordinances and restrictive covenants where hearings have been closed, the first item I'd like to offer is item number 60. This is case c-14-2008-0116 on radam lane. The property located at actually 608 and 610-radam. This is to approve second and third reading of an ordinance zoning a property from family residence district zoning to general office conditional overlay combined district zoning. The southwood neighborhood association representative had reviewed the ordinance with the applicant and had come up with an additional -- an agreement. I just want to read this briefly to you. It should be on your dais. That was to delete part 2, subsection a of the draft ordinance. And it may be deleted in its entirety. What it would do is delete a reference to the urban street standards and would replace that with suburban that it would fall back to. So with that change, we believe that this can be offered as a consent item on item number 60. Item number 61 is case c-14--2007-0232. This is rundberg business park property at 320 east rundberg lane. This is to approve second and third reading of an ordinance that will rezone the property. To rezone the property to warehouse limited office, conditional overlay or wlo-co dpined district zoning for tract 1. And general commercial services conditional overlay combining district zone fog tract 2. On this case we have the applicant request for a postponement to december 18. That's a item number 61. Item number 62 through 64 speak to the lamar justin lane station area plan. Those will be discussion items. Item 65 through 69 on your agenda will also be discussion items. Item number 70 through 73 are addressing the sal a teeio station area plan, so those will be discussion items. Which brings us to item 74. That is case 001, windsor park neighborhood planning and vertical mixed use opt in, opt out process for the property at 5701 cameron road and 1200 ridge haven drive. This is to approve second and third readings regarding these two properties and this is ready for consent ploofl on second and third readings. Item number 75 and item number 76 are addressing the govalle johnston terrace combined neighborhood planning area vertical mixed use for the neighborhood plan amendment. These are discussion item. We do have a valid petitions on item number 76. Mayor, that concludes this portion of the consent agenda items that I can offer you at this time. Mayor niert much of a -- m niert much of a consent agenda.

Mayor Wynn: Council, where we have already closed the public hearing is item 60, postpone item 61 to DECEMBER 18th, 2008 AND TO Approve on second and third reading item 74. I'll entertain that motion. Motion made by the manor, seconded by councilmember morrison to approve the consent agenda as read. Further comments? Hearing none, all those in favor please say aye. Motion passes on a vote of seven to zero.

Thank you, mayor and council. Let me continue with the 00 zoning and neighborhood plan amendment items. These are where the public hearing items are open. Public hearing is open and possible action. The first item like to for consent is item number 77. This is case na-2008-oo 16.02. This is the john govalle combined vertical mixed use neighborhood plan for tract 9-b and related item number 001, the

govalle johnston terrace expwrierntd kel mixed use building opt in, opt out process. Tract is requesting a postponement of these two items. Both relating only to tract 9-b to your november 20th agenda. Item number 79 is case c-14-2008-0186 known as the la bare austin property located at 1501 west wells branch parkway. This case has been withdrawn. No action is required of you '. That's item number 79, it has been withdrawn. Item number 80 is case c-14-2008-0151. This is the cairo prak tick. Mayor, we have a first request for a postponement on this item to your december 18th agenda. I spoke with one gentleman out it foyer that may be here to speak to that item. I'm not sure if they're signed up on your screen. We could offer this as a consent postponement if there's no to the postponement.

Mayor Wynn: Right. Troy farnum signed up wish to go speak in opposition. No objection to the postponement? Thank you, sir.

This would be their first request and it will be to DECEMBER 18th. Item number 81 and 82 are related. These are case 02, 3617 axel lane. That's a neighborhood plan amendment. And item number 82 is case c-14-2008-0154 at 3617 axel lane. These are located within the east mlk combined neighborhood planning area. Staff is requesting a postponement of these items. The commission asked to reconsider these item. These would be a postponement by staff to your december 18th agenda. That's item number 81 and number 82. Item number 83 is case c-14-2008-0198, this is for the domain property at 3200 to 3298 block of feather grass court. This is to rezone the property from major industrial planned development combined district to change conditions of zoning. It was recommended to you by the planning commission and it's ready for consent approval on all three readings. Item number 84 is case c-14-2007-0108. This is the camden north lamar tract at 53, 5304 and 5400 north lamar boulevard. We have an applicant postponement to the november 20th agenda. I believe there's still a right-of-way issue being discussed regarding that item. So that's a of item number 84 requested for a november 20th agenda. Item number 85 is case c-14-2008-0142 for the property located at 6800 manchaca and we have a neighborhood requested postponement of this item. And it's agreed upon to your november 20th agenda. Item number 86 is case c-14-2008-0187, known as the burr tract at 1201 west slaughter lane. This is a zoning change request from single-family residence standard lot district zoning to neighborhood commercial district zoning. The zoning and platting commission recommendation was to grant neighborhood commercial conditional overlay combined district zoning. And this is ready for consent approval on all three readings. Item number 87 is case c-14-2008-0148 for the property located at 1410 west ben white boulevard. This is a discussion item. Item number 88 is case c-14-2008-0052 'neens the g property located at 9609 swanson's ranch road. This one has a valid petition. This is a discussion item as well. Number 89 is case c-14-2008-0150 for the property located at 808 808 nueces street. This is also a discussion item. Item number 90, case c-14-h-'08-0019, the blondey pharr house. This is also a discussion item. Item number 91, case 01, known as the pioneer hill tnd amendment number 1 located along dessau road. I believe we have speakers that have signed up also in regards to this item and this is a discussion item. Item number 92 and 93 are related. Item number 92 is case 003 known as the petty property. Protect loacted in the central east austin neighborhood planning area for the property at 908 east 15th street, 807 east 16th southeast and 1506 east waller street. The related case is the zoning case for those same properties. This is item number 93, case c-14-, 2008-0166. We have speakers signed up regarding these items and these are also disution items. Previous then we round out zoning with 9495. These are some of your left over oak hill cases and these will be discussion

as well. Item 94 is case np-2008-0025 with the neighborhood plan. And item 95, c 14-2008-0125 for the west oak hill area. That concludes the consent items I can offer you on this portion of your agenda.

Mayor Wynn: Thank you. Lots of discussion items tonight. Our proposed consent agenda on these cases where we have yet to conduct a public hearing readback would be to note that item 79 would be withdrawn from the agenda. We'll be postponing item 80, 81 and 82 to our december 2008 meeting. We will close the public hearing and approve on all three readings item 83. We will postpone items 84 and 85 to our november 20th, 2008 meeting. And we will close the public hearing and approve on all three readings case number 86.

Mayor, we also had 77 and 78, I don't know if you mentioned those, a postponement to the 20th.

Mayor Wynn: I did not. Thank you. So also, council, postponing items 77 and 78 to november 20th, 2008. I'll entertain a motion on our proposed consent agenda. Motion by the mayor pro tem, seconded by councilmember morrison to approve the consent agenda as proposed. ? Comments snrs hearing none, all in favor, please say aye? Opposed? Motion passes on a vote of six to zero with councilmember shade off the dais.

Thank you. That brings us back to the beginning of your zoning items and will take you to the station area plan for the lamar boulevard, justin area. At this time I'll introduce tony lopez with the neighborhood planning and zoning dent to walk you through these items.

Mayor Wynn: Thank you, mr. guernsey. Welcome back ms. lopez.

Thank you. Good evening, mayor and council. Sonya lopez with the neighborhood planning and zoning department here to present to you on items 62 through 73. I'd like to gave brief recap. I think we're all pretty aware, but just in case of what has happened thus far. We had first reading in april for three of the station area plans. There was a pause between first reading and august when staff went back, communicated with other departments and developed responses to first reading action that identified how to implement those actions. We briefed the council in august and we have an october 23rd sec reading meeting. It was only partial second reading for the lamar, justin and plaza saltillo plan. The planrtionz all three of them are -- the plans, all three of them are being tbawrtd to you tonight with their associated plan amendments for second reading with the topics that were already address odd second reading on 23rd. What I will like to do is go over the second reading action from october 23rd to make sure that we're all on the same page. Our assumption or our understanding is that what was approved with respect to compatibility on the 23rd is how council would like to address compatibility throughout the tod's unless otherwise accepted. After covering second reading we can go ahead and answer questions if there are any. We have staff from the housing department and from a couple of other departments to answer questions or I can go inable give an overview of the motion sheets if that's how you would prefer. In your materials on the dais have a two-page -- a four-page sheet that says lamar justin salvia divorum station area plan summary of council action on OCTOBER 23rd. And this is just to make sure that we're on the same page with respect to what happened on second reading. The first part was that you all gave us direction to go back and amend the tod ordinance that was approve

understand 2005 with respect to compatibility standards. When the tod ordinance was approved, there was a provision inserted that said compatibility would not be triggered by properties once a station area plan is approved in an attempt to reduce the impacts of compatibility standards. But your direction on the 23rd indicated to us that you wanted that provision removed so that the properties within a station area could trigger compatibility under certain conditions. Some of the conditions that were included in second reading motion were that compatibility would be able to be waived within a t.o.d. Through a development bonus except for -- within a 100-foot buffer area from the inside edge of a t.o.d. We've put together a potential method for addressing that that would focus on the properties that would be most affected by an increase in height on a particular property. And the method that I'm going to outline would address the concern brought up on second reading that we would have taller buildings in or near people's backyards. So one potential method is that if we have owners of a majority of the property lines that bound the subject tract that is in compatibility standards agree, we could waive compatibility through a deve bonus affordability requirement would be part of that. So it's a way of approving what was on second reading and that's one thing that we're putting forthright now. Preestles included in the second motion is that compatibility should only be triggered on properties in the station area by development that has both single-family zoning and a single-family detached or duplex use. And you asked for some analysis to be done, and on the following pages of that document that I referred to you have three maps, one for each planning area, that identifies what that basically means. I know your handouts on yellow paper and my maps have what would trigger capability, but I think you know what I'm talking about. If you look at the plaza , you have some properties that are darker, and those are the existing single-family 1 through single-family 5 zoning. And then you have some properties cross hatched which indicate existing single-family detached or duplex uses. The ones where both conditions apply would be the property that could trigger compatibility standards based on your second reading action. And I say could tbaw those properties cease to have a single-family detached or duplex use based on what you said at second reading, they wouldn't trigger compatibility. But as of today this is what we understand to be the condition and these would be the properties both inside 's that would trigger compatibility. You can see on the other two maps for lamar/justin and for mlk boulevard there are no properties in the t.o.d. That actually meet both requirements of having the sf-1 through sf-5 zoning and a single-family or duplex use. So all the compatibility would be triggered by properties outside the t.o.d. And I've also put in that 100-foot buffer zone to show you where that would impact on each of these areas. So the last thing at second reading was a postponement of the mlk station area plan in its entirety so this only went in on second reading to the lamar, justin and plaza saltillo station area plans. So with that I'm available to answer questions unless you would like me to go through the motion sheets at this point?

Mayor Wynn: Questions lopez? Councilmember morrison. More actually, this is more a question for you, mayor. How will we be doing this? So do we discuss compatibility now and then go through the motion sheet or go through the motion sheet and hit compatibility when we -- mayor I would think something as broad and might be as consistent as compatibility, we should probably have those discussions before we then walk through the individual potential motions is my instinct.

The smeehts, what i really '-- the motion sheet, what I really wanted to do was introduce you to the structure and the methodology for voting. I could run through it and we wouldn't need to discuss

anything at that point. I could just get through the procedural aspects of the motion sheet if that will kind of help frame things for you.

Mayor Wynn: That would help me, yes.

Okay. So you have a three-page motion sheet, so what we've done with the motion sheets is we've created one for each station area and associated plan amendments. The first one is for the lamar/justin station area plan. And the item number 1 is adopting the lamar station area plan as recommended by staff which includes the following major elements. What we wanted to do here is not go through all of these details with respect to a, b, c, d, e and f, but to outline here the main elements from the plans, especially as they relate to what was approved on first reading and second reading with respect to compatibility standards, to outline them here for you so you know what some of those key elements are so you could see if there are any things that you wanted to discuss further or deviate from or pinpoint certain things within that main motion of approving the station area plan. Then I've identified some of the other key motions which are related to code amendments or valid petition or plan amendments. So with the lamar station area plan, again under motion 1, the main elements included within adopting the station area plan are a, the adoption of the regulating plan, which includes zoning, development bonuses and urban design regulations. B, recommendations for infrastructure that relate to drainage, water, wastewater, transportation. C, the methodology or the method that's been explained to you thus far for parks and open space in the station area. D is affordable housing and development bonuses. These are the points that you've been briefed on and that have been included in your backup for the last couple of months. E is compatibility standards. And again this refers back to the second reading motion FROM OCTOBER 23rd. And then f, the funding options, hiring of consultants to prepare a financial feasibility to discuss a study to talk about tifs in addition to staff talking about other planning tools. That's all included in the miengs motion number 1. Some of the other things is this code amendment that's outlined here. This is the code amendment that's -- that's part of the second reading motion. We identified it here separately because what we'll need to do with dmoid amendments is to come back to you with a resolution formally directs us to amend the t.o.d. ordinance. So I wanted to note it down here that this is -- this is a separate piece that we will be coming back to you with that resolution for. Items 2 and 3 relate to the crestview wooten and (indiscernible) neighborhood plan, items 63 and 64. So moving on to mlk, you will see it's the same general structure. Because for the main motion a lot of the things translate from one to the next. The majority of these major elements in the main motion are applicable to all three. So I won't run through all of these again under the main motion number 1, but the one thing that I will like to point out is that letter e, compatibility standards, this recognizes that we haven't approved this on second reading yet as we did for the other two station area plans. But I wanted to include it here again with our understanding that this is how you want to apply compatibility throughout the t.o.d.'s. 1-A is a valid petition at 2900 manor road. You actually have in your dais material a map, and a description of the petition. It looks like this. Except yours is on yellow paper. If you don't have it, I can put it up on the main street, but if you have it, I can just talk from here. 2900 Manor road is on the north side of manor road just at the very northern tip of the mlk t.o.d. The property owner is objecting to first reading action for this particular property. On first reading council approved for a portion of the property that faces randolph road, which is the road to the west, approved a portion of the property for median density residential and response to a neighborhood request. And that is shown in orange on

the map. The remainder of the property shows a t.o.d. Mixed use -- these are two subdistricts in the station area plan. mixed use is shown in darker brown. mixed use category is more similar to what the is zoned today, which is cs-mu, which gives a variety of uses for the entire property. The median density residential in orange would not allow nonresidential uses to occur. So the property owner has filed this petition, one in objection to that land use change, adding the orange medium density residential subdistrict, and also to first reading action that council approved to create a 200-foot compatibility transition zone. Again, the rest of the properties would have 100-foot compatibility zones and they object to the different treatment of having a 200-foot compatibility zone from the homes on randolph road. Okay. That is the petition. For mlk on the code amendment, underneath the petition -- and again, this is all something you've heard before. I presented on this on the 23rd. Staff is recommending 2 amendments the t.o.d. Ordinance. This particular amendment is in here in the mlk motion sheet because it affects boz mlk and plaza saltillo. And staff is proposing that council direct or requesting that council direct us to initiate a code amendment to ordinance to allow the height bonus strategy in both the mrk and -- plaza saltillo station area plans to proceed. The language in the t.o.d. Ordinance does not allow for height to be increased in the station area without a corresponding requirement of 25% affordability. The proposal in the station area plan is to require the developer to provide 15% affordability with the city responsible for meeting the gap between 15 and 25 percent. So if for some reason the city is unable to fill that garntion we would like the developer to still be able to steve that height bonus and provide their required 15% affordability. ordinance does not allow us to do that right now because it has a strict 25% affordability that must be required. And then items 2, 3, 4 and 5 under neighborhood plan amendments, agenda item 66 through 69 are the chestnut, rosewood, upper boggy creek and east mlk neighborhood plan amendments. To include the mlk station area plan and include the future land use map for properties in the station area to t.o.d. Okay. And the last page is plaza saltillo motion sheet. And again, item 1 is almost carbon copy to the other two motion sheets with respect to what the station area plan contains. The code amendment that is listed on this sheet is a staff recommended code amendment specific to the plaza saltillo t.o.d. ordinance does not allow for height increases on any property other than the 11 acres owned by capital metro. There are a few properties around the station where the station area plan proposes height bonuses. So in order to flowl with the strategy in the plaza saltillo station area plan, we would have to go back and amend the t.o.d. ordinance. And then 2 through 4, agenda items 71 through 73 are the plan amendments to the east cesar chavez central east austin and holly neighborhood plans. Okay.

Mayor Wynn: Well, thank you, sonya. That sort of walks us through the format whereby we might get through much of this. It does, however, take us 30 tbriek live miewfngd proclamations. So it might give some of us a few minutes now to sort of spread it out, think through potential motions and/or comments as we hopefully approve these station area plans. Thank you, ms. lopez.

You're welcome.

Mayor Wynn: So it being 30, at this time we will briefly recess this meeting of the austin city council for live music and proclamations. Our musicians today are going to be move, which is music outreach volunteer entertainers, so stay tuned for that show. We'll have a handful of proclamations and then we'll reconvene the city council meeting as shortly after 00 as possible to finish our zoning business. We are

now in recess.

Mayor Wynn: Welcome back to our live music gig here at the austin city council meeting. Joining us today are the music outreach volunteer entertainers or move. The musicians perform at senior facilities, schools, civic clubs, organizations and churches all over central texas. It is a movement of the central texas accordion association which performs in the austin area. Please join me in welcoming move. [Applause] [music playing] clear [applause]

Mayor Wynn: Okay. That was grvment so we -- great. We had a poster in front of me and we had it up on the big screen earlier. Tell us, how can folks book you all? Do you have a website, phone number?

Mayor, first I wanted to thank you very much for having us down here and city councilmembers and distinguished guest. Thank you very much. I guess you could we've all gotten to the age where we have done pretty much everything, but we can't remember most of it. We certainly will remember this occasion and we appreciate you asking us to come down. About getting ahold of us, we are a branch of the central texas accordion association, which has website. And we can be reached through that. We do play nursing homes every week be and we play civic clubs and that sort of thing. And I can be contacted for jobs. Anything else?

What's your phone number.

Can I give my known sniem at 659-6685, mike sullivan.

Mayor Wynn: The central texas accordion association. Before you get away I have the official proclamation. the city of austin, texas is blessed with many creative musicians whose talents extends to virtually every musical genre. And our industry thrives because the artists -- we're pleased to showcase our local artists. So therefore i, will wynn, mayor of the live music capitol of the world do here by proclaim today, november 6, 2008, as move day in austin and call on all citizens to join me in congratulating this fine talent. [Applause]

Mayor Wynn: The proclamation doesn't double as a get out of tree jail card, so -- get off jail free card, so behave yourselves tonight. Spreef while the band breaks down on that side of the room we'll use this podium to do our weekly proclamations. We take this time each week to say thank you or congratulations to folks who try to raise awareness about special event that are occurring around town. And my first one here I'm about to be joined by billy webb. The first proclamation is regarding the anniversary -- the 40th anniversary of the austin-salttillo sister city relationship. Saltillo is our oldest sister city at 40. Here in a minute we'll celebrate another relationship that's 30 years old, but a lot of folk don't know that of course when texas was part mexico, technically we were part of the mexican state of coahuilua. So saltillo was our capital of texas for all the years prior to the texas revolution. If you go down to saltillo, as I have several times, it's a great city, great visit, grawn-salttillo relationships down there, there's any number of great archives and historical documents that you can see down there. austin traveled to saltillo frequently as he ultimately tried to intlirs into this part of the state. So I'll read the proclamation and then we'll hear billy talk about sort of the current work of our sister city committee.

There's frequent activities going on. In 1968, Saltillo, Mexico became Austin's first sister city and the relationship between our cities has blossomed over the past decades to realize all that its people to people program is designed to accomplish. And whereas since the 1980's, delegations from the two cities have made annual exchange visits during which issues such as education, culture, economic development and municipal services are discussed at their traditional (speaking Spanish) I can't read the print. And whereas out of these visits needs are identified and resources shared. For instance, Austin has provided surplus equipment and training to our counterparts in Saltillo and in turn the city of Austin's safety personnel have benefitted from Spanish immersion classes conducted by folks from Saltillo. So now therefore I will Wynn, Mayor of the City of Austin, do here by proclaim November 9, 2008 as the 40th anniversary of the Austin-Salttillo sister city relationship and please join me and welcome Billy Webb for all his good work. [Applause]

Mayor and Council and guests, thank you very much on behalf of the members of the Austin-Salttillo Sister Cities Association past and present members. This is a great honor and I'm very proud to accept it on their behalf. Mayor Wynn asked me to say a few words about our activities today. We are celebrating our 40th anniversary and have a delegation coming from Saltillo, including the Mayor, on 21st of November to commemorate that occasion. Most of you know about Plaza Saltillo and other projects in Austin that have been gift and cooperative projects between the City of Saltillo and Austin. And we are also exchanging some public art that will take place 21st of November. The Mayor mentioned we're doing bilingual classes for emergency responders in Saltillo. That's a new program, but extremely popular and doubling in size every year. 2009 will be the third year and it's already booked solid. So we're very pleased about that. But we're trying to continue to expand our services and our work all the time, and we're always looking for new members as well. We think it's very relevant to Austin. It's our closest sister city within driving distance, and certainly our oldest sister city. So again, thank you very much. [Applause]

Smiley for the second proclamation, so we're celebrating the 40th anniversary of Saltillo, this is also the 30th anniversary of the Austin-Lesotho sister city relation. Bertha means joining us in the audience. I'm going to read the proclamation and Hart is going to talk -- and Pam Hart is going to talk about the activities we have going on here locally, great golf tournaments every summer usually over at Morris Williams. And we'll hear about how folks can hear about our sister city programs. The Sister Cities International was begun 52, 53 years ago by President Eisenhower before of course his experience as Allied Commander in World War Two. As President he started an international program because his fundamental belief was that complimenting, perhaps even in lieu of government international relations, he wanted to start having citizens have interchanges, figure out a way, figure out a program, a format, very overseen program that would allow citizens in places like Austin, Texas to get to know citizens all across the planet. We have 10 or 12 sister cities. Some of them are more active than others, but it's an opportunity for any citizen to step in and serve on a local committee, ultimately exchange culture, business, historic interactions with folks from across the planet. And it's a rewarding thing to do. Austin is frequently visited by delegations from all of our sister cities and it's an honor to welcome them here. It's really fun to hear about Austin sits travelling -- citizens travelling with their committees to respective cities. I've gotten to visit a few of them and it's always a fun trip. I'll read the proclamation and Pam will talk about our activities here locally as we celebrate the 30th here. The proclamation reads: Lesotho, which is surrounded by the Republic of Africa is inhabited people

with spiritual values and also fought against apartheid. And Austin needs Bertha means learned about the and through her leadership, the sister city relationship was forged. And whereas initially Austin's medical professionals provided services to burn patients there and now financial donations fund treatment for children with HIV/AIDS, cultural and educational exchange, pen pal projects and youth conferences that have been held and collaborations between local groups and our colleagues have frequently occurred. So now therefore I, Will Wynn, Mayor of the City of Austin, Texas do hereby proclaim November 13th, 2000 as the Austin-Lesotho Sister City Day in Austin. Please join me in welcoming and thanking a bunch of fine folks. We'll hear from Pam when it comes to continuing to spread peace and international relations across the globe -- international relations across the planet. Thank you and welcome. [Applause]

Thank you, Mayor. My name is Pamela Hart and I'm the newest member of the Austin-Lesotho Sister Cities Committee, but I am very proud to be of this committee because they do such outstanding work. And I want to tell you about an exciting program we're going to have. We're going to continue our 30th anniversary celebration on November 13th, right here at City Hall. And what we're going to have is we're going to have His Excellency, the Ambassador of the Kingdom of Lesotho is going to be here to speak to us as well as our wonderful Mayor. Then some beautiful singer named Pamela Hart is going to be here to perform. And that's going to be a wonderful performance. We will like you all to come and attend. And that's going to be from 7:00 right here at City Hall. And then our wonderful Bertha Means, has her annual golf tournament on November 15th, and that's going to be at Morris Williams Golf Course. We're going to do the Florida T-bone Day. It's just \$75 per player if you're a golf player you know it's very, very reasonable. 00 and there will be prizes, but there's also an opportunity whether you play golf or not to donate to the cause because the sister cities not only do we have and maintain a good relationship with Lesotho, but we also have projects which include the support of the Baylor Pediatric Hospital for children with HIV/AIDS in Lesotho and also we'll benefit the AIDS services of Austin. So please come out and join us to continue our 30th anniversary celebration again right here from right here on City Hall on November 13th. And again, Saturday November 15th for our seventh annual international golf tournament at Morris Williams at 8:00 a.m.

Good evening, everybody and thank you, Mayor Wynn will Wynn and Council add guests. I am co-chair along with my brother, he's also co-chair and Glim who founded the committee, T-bone means. We have another -- Bertha Means. We have another committee member here who is very well-known in Austin, politically active for many, many years. I have -- this is such an honor because the committee was started when I was eight years old and I was living in Lesotho. My father is from South Africa and he lived in Lesotho for a long time, and my brother and sister and I grew up there and it is such an honor and a pleasure to be on the committee and to be receiving this proclamation. I thank you all. Austin is a wonderful city and so is Lesotho. And the more we get together and learn about each other, the better the world is. Thank you. [Applause]

Okay. For my next proclamation it's regarding Gi Day. I'll read the proclamation and then Leeann will talk a little bit about why we sell Braintd raise awareness about development is. And I'm joined by some other good geography professionals, whatever you call yourself. It's funny, we just saw some presentations on station area planning. Earlier today we saw presentations on a potential passenger rail system for

austin's urban core. We saw a presentation on the 6200 water quality ponds that are scattered across the 280 square miles of austin, all of them were identified from our gis mapping. The technology is really remarkable. And it -- what it really does is allows policymakers like us at a city council meeting to make better decisions. It allows administrators and regulators to do more efficient, effective work out in the field. And it's pretty fun stuff to work with. So I'll read the proclamation and we'll hear from leann afterwards. The proclamation reads: Each year national geography awareness week is celebrated to promote geographic awareness in our schools and communities. And whereas geographic information systems or gis, is an important part of geography awareness and whereas the city of austin is committed to applying the use of gis in such fields as environmental protection, land use, planning, natural resources, infrastructure management and crime prevention as well as sharing the results with the general public and whereas gis technology can help the city of austin to achieve its mission to be the most liveable community in the country and therefore the city has invested in gis technology and training for all city staff. So now therefore i, will wynn, mayor of austin, do here by proclaim november 19th, 2008 as gis day here in austin. And please join me in welcoming leann. [Applause]

would a pizza delivery, heart attack victim, hurricane tracking and a zombie apocalypse risk assessment, what do they have in common? Gis. You personally reap the benefits of gis whenever you pull a map off the internet, call 911, any number of possibilities. Atm machines. Or have pizza delivered to your house. You may not always be aware of it, but gis technology is pervasive and is used to provide solutions and efficiencies to help us manage our world and our city. We're very, very excited to be hosting our 10th annual gis day celebration this year at the city of austin. Our theme this year is all signs point to gis. So as mayor wynn said, on NOVEMBER 18th, EVERYONE IS Invited. This is a public event. It's going to be here at city hall from 9:00 to 3:00. Assistant city manager rudy garza is going to kick it off. We're going to have all kinds of events. Presentations by city departments talking about gis in the city, state agencies, university students. There's going to be booths and demonstrations by city departments. There will be a gis clinic staffed by gis professionals in case you have any questions about the details of it or you just want to learn more. There will also be gis world games that have been popular in the past. They have little cartoon graphic symbols on them. They're a big hit. And last year we did something new, which was a theme song. It was gis yes and it was a major hit. It went all over the world on youtube. You can still check it out. It's got like 35,000 hits. Austin gis became extremely well-known around the world. I got calls from colleagues all over the country. This year we have a -- these creative watershed development gis projects, are at it and have created a new one for this year that will be unveiled at gis day. It's a map of the world as we know it set to the tune of reo's it's the end of the world as we know it. Another thing that we have at gis day is a map -- gis day is a map coloring and map contest going on now. You can vote online now. City of austin employees with vote right now. An internal city contest just to demonstrate all the various uses, the capabilities, the mapping capabilities of gis. -- Gis. The winner last year, people's choice award, just to give you a taste, was the zombie apocalypse. It was the spatial analysis method to indicate how we might respond or what we might do in the case of a potential public safety concern. Please join us and see for yourself through live demonstrations, presentations, map displays how the city of austin uses gis in our daily operations to accomplish our mission of being the most liveable community in the country, the world. And our aspiration to be the -- and our aspiration to be the best managed city in the country. I also want to acknowledge my cohorts here. Jackie is our

governor day coordinator. We have a slew -- dozens of city staff have put this together. Very enthusiastic, very creative people. As you can see our mascot made it tonight too. And with many of the city departments using GIS everyday and each day learning new ways to take further advantage of this amazing technology, all signs really do point to GIS. So we'll see you here November 19th. [Applause]

Mayor Wynn: Now I'll read the proclamation before I turn the podium over to councilmember Morrison, this is regarding pancreatic cancer awareness month. So as I said earlier, not do we use this time to say congratulations to folks who are celebrating 40 and 30 year anniversaries, thank you to a bunch of city employees, we also try to raise awareness, often times about significant public health challenge, which is why we bother to try to promote pancreatic cancer awareness month in Austin. Erika will talk about efforts here locally. The proclamation reads: Pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the U.S. More than 2,000 deaths will occur in Texas alone this year. Whereas there is no cure for the cancer and there have been no significant improvements in early detection, treatment methods or survival rates in the past 25 years, whereas the pancreatic cancer action network affiliate in Austin provides support for patients currently battling pancreatic cancer and focuses its efforts on public policy, research funding, awareness and education related to developing effective treatments and a cure for pancreatic cancer. Now therefore I, Will Wynn, Mayor of the great city of Austin, Texas do hereby proclaim November 2008 as pancreatic cancer awareness month in Austin. Please join me in welcoming Erika Priddy. [Applause]

Thank you, Mayor Wynn, councilmembers and guests. Prior to 2006, cancer had no history, no place in my family's history. Imagine our shock and surprise when two of our family members died within a five-month span of each other. One of those family members mother Mary. Our lives were forever changed when we heard the words metastatic disease, pancreatic cancer that had spread to her lungs, lymph nodes and we believe to her brain. It was seven weeks later that she died. We had a couple of weeks of useless chemotherapy and seven weeks later we lost her. The part that angers me the most and the part that should frighten each of you the most is that there were three different medical doctors here in Austin that misdiagnosed her over a span of five months, which at that time she was very healthy, very strong at that point. Her family practitioner, an emergency room doctor and a vascular specialist, they all misdiagnosed her as category 3 breast cancer masks itself as so many other diseases and ailments, even an unexplained rash on your body can be a sign that you have pancreatic cancer. You need to listen to the facts. There is no early detection. Pancreatic cancer advancements are where breast cancer was in the 1930's. And you know we've made incredible strides today in breast cancer. It's just been phenomenal. The symptoms typically do not present themselves until the cancer has metastasized. Less than five percent of those who "good morning San Antonio" category 3 breast -- of those who get pancreatic cancer will live beyond five years. That means 95% of those who get it will die within five years. My mother was a woman of few words but she was a woman of action. I'm here today to urge all of you to call your U.S. Representatives in your district. Call Senator Bailey Hutchison and call John Cornyn. Encourage them, demand that they fight for more funding for pancreatic cancer. The National Cancer Institute at this time gives less than two percent of their entire budget to pancreatic cancer. We would like for you to get locally with our grassroots efforts. You can find our link at www.pancan.org. And if you click on volunteer efforts, you can find out how to work with us to raise more awareness, raise more money to get this cancer to the forefront of research. I'd like to introduce Brad, who is our

affiliate coordinator, and Mandy West, she is our events coordinator. Again, thank you for your time.

With that I'll turn the podium over to Councilmember Morrison, and I us reconvening the Austin City Council in just a few minutes.

Morrison: Thanks. Here we have Bill Jeffers and Gene (Indiscernible). I'm really delighted to be able to present this proclamation to the art from the streets program. And I have a special place in my heart for this program because each councilmember is able to borrow some art to hang in their office, so it's a really cool activity opportunity to get some exciting art. And most of the art that I have in my office we've borrowed from the arts from the streets program and we had an open house and an art show last week or the week before and the artist came and joined all the usual suspects that are usually hanging around City Hall, so it was a really terrific gathering and wonderful opportunity for people to get to know each other. And it's wonderful, wonderful art. The proclamation is, it known that whereas since 1991 art from the streets has conducted weekly open studio art classes for Austin's homeless citizens, providing a safe and nurturing place for them to explore their creativity. And whereas art from the streets has produced 15 shows, attracting thousands of Austin nights spend meeting and purchasing art from the homeless artists. Sales have totaled more than half a million dollars, which has enabled the artist to purchase much needed shelter, food and clothing. And whereas during this special week Draft House Theater South Lamar will have a film showing art from the streets the movie on November 9 and the annual show and sale of art by people who are homeless will be on November 15 and 16. Now therefore I, Will Wynn, Mayor of the City of Austin, Texas do hereby proclaim November 9 to 16, 2008 as art from the streets week. [Applause]

Thank you very much. I just want to reiterate and invite you to come to one of these two events. A truly wonderful documentary film. It's 72 minutes long by a local director named Layton Blalock, award winning. It's -- award winning. It's won several awards. It will be this Sunday at the Alamo Draft House on 11/10 in the evening. It's free. We're asking for a donation, but it's free. Then the following weekend, Saturday and Sunday, the 15th and 16th from noon we actually have the art show and sale, 2000 works of art that have been created in the past year, plus additional pieces from previous years for sale starting at \$35. The money goes to the artists who made the work. It's a wonderful event and a lot of fun and we hope you have a chance to come down and check it out. Thank you. Oh. Say where. You might know -- you might want to know where. It's at the Austin Center for the Homeless at Seventh and Nueces. Thank you.

Cole: I would like to welcome the honors students from our press team just from Huston-Tillotson as we make their way down and Professor Lofton. Huston-Tillotson is a remarkable institution and one of our oldest Texas African-American institutions. And as we approach in the city so many efforts to diversify and include minorities in contracts and planning for the city, it gives my heart great pleasure to see so many students and a professor willing to come -- professors willing to come down to City Hall and receive an award. And I'm actually very pleased that so many students made it. So with that I would like to read the proclamation from the City of Austin. We are pleased to recognize the Huston-Tillotson students participating in the We Do Involvement Honors Program for making the most of their educational opportunities, including becoming informed about city government. The involvement is scholars are a

select group of students who are offered opportunities to challenge themselves, develop their thinking skills and to cultivate an appreciation for lifelong learning. Internationally known sociologists, writer, web dubois who was devoted for excellence and community service searched as an inspiration for these honors students. Congratulate all the scholars for having been selectd for this program and we encourage them to take full advantage of the opportunities it offers. Presented this november 6, in the year 2008, the city council of austin, texas, mayor will wynn and mayor pro tem brewster mccracken. [Applause]

hello. To mayor wynn and councilmember cole and to the council, on behalf of larry irvin, who is the president of houston-tillotson, we are just so pleased and grateful for this recognition. irvin launched the program in 2003. And since that time plofters, who is the assistant director. I'm jan sumner. We've been working hard towards academic excellence and leadership. We are 61 students strong, and this recognition is more inspiration for us. Thank you so very much. [Applause] you. Good evening. Thank you very much, councilmember cole. I'm the assistant director as she said for the honors program. And bliefnlg the one that assists in having sumner's vision come to light. Really she's the true visionary of the program. She's done such a wonderful job in tblg and causing a sense of family for these students. October was my one-year anniversary with the program and I was blessed to be able to be part of these students. And I wanted to tell you that I'm not only inspired by their scholarship, but I'm also inspired by the way that they donate back to the community and donate their skills of leadership. I just wrote down some of the things that they do besides had been 24eur academics. You would be amazed that the scholars at houston-tillotson are pretty much in any field outside of the academic realm. I listed that we've had class presidents, vsga presidents. They're also active in volunteer programs. They're active in the campus ministries and provide leadership for them. They're on dance teams. They lead campus clubs. They are in mentoring programs and not only that, they also even have to be part of the athletics. We have scholars on the track team, volleyball team, soccer team and the basketball team. I might have missed one. So I wanted to say how inspired I am by them. They keep me going and i want to say thank you for the recognition again. [Applause] department. we have just lopez walk us through the motion sheets and her best summary of the issues at hand regarding our three station area plans. Questions for staff? Comments? Take us a minute to get organized here. Again, questions of staff, comments about our motion sheet. I think the mayor pro tem had some comments but he's off the dais right now. Here we are. Mr. guernsey? maybe and council, my friends in watershed have a postponement that you might be able to send some staff -- oh, that's right.

And some residents home. So if I could, I'll just read it in the record real quick. 96, conduct a public hearing and appeal by helen and charles heard, john mayfield on administrative site plan for proposed religious assembly education building for hyde park baptist church at 3901 speedway. All parties entering an agreement of postponement to next year, march --

mayor wynn: june 23. I thought it was march 5. [Laughter]

mayor wynn: march 5. 96, 00 public hearing. council, I'll entertain a motion on item 96 to postpone public hearing until march 5, 2009. Motion made by council member martinez, seconded by council

member leffingwell. All in favor of the postponement please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. To all a good night. So again, council, questions, comments on our station area plan area motion sheets? Mayor pro tem? so, mayor, i will move to approve -- do you want -- yeah, move to approve on second reading only for the saltillo -- is that the one we're going to do first, sonia?

We could do them in order. Lamar justin would be the first one, item 62, 63 and 64 being the plan amendment. and so we'll move to -- I'll move to approve on second reading the motion 1, staff recommendation with the on the part c parks and open space, have it say that the parkland dedication must be spent within the station area planning area unless city staff obtains a council waiver. And second, that directing today parkland and trail acquisition land be prepared for a third reading. This can be second that because it involves potential real estate acquisitions can be presented to the extent necessary in private -- in executive session, but we do need to have the acquisition plans for things like the trail for long rail lines and parks in there. And then the third part of the park amendment is to say that that at least one park in every station area plan must have families's and children's amenities such as, for example, play scapes, and that that's part of the parkland and trail acquisition and location plan prepared by staff. And then I know that -- what I'll do is, since council member morrison and council member cole have some other additions, maybe I'll stop there and we can do those, those friendly amendments. We each have our own things we worked through, each of us. Yeah, just lamar justin -- so that would be my motion that I'm highlighting that at least I will accept friendly amendments from council member morrison and council member cole as well. we have a motion -- main motion on the table regarding the lamar justin station area plan by mayor pro tem that I'll second. Amendments to our main motion? Council member morrison? yes, in section d on the motion sheet under the second bullet, I'd like to change -- motion to change that so that the affordable -- that council is -- excuse me, council approval is needed for fee in lieu as opposed to limited administrative approval to go back to the first reading motion that council had had that it would become full approval required. And then with regard to section e, compatibility standards, I just want to preface this by saying last time the conversation got rather complicated, and in the end one of the changes we made had an unforeseen impact, specifically on the saltillo tod. So in order to get back to the state where single-family use in the saltillo tod would wave compatibility -- I mean, I'm sorry, would trigger compatibility, although it could be waved, like others, in exchange for affordability, I have new language that I think would -- would achieve that, and so e would change to current compatibility standards apply for all properties in the tod. That's no. 1. 2, one can wave compatibility by adhering to the affordability standards outlined by the bonus guidelines. 3, compatibility should not be waved within the 100-foot of the tod boundary, except in the case where there is a waiver, a 100-foot waiver, they call it, a project within the compatibility transition area should be granted a waiver from the height restrictions and compatibility if that development meets the affordability standards under the height bonus guidelines and if, I'll say 66% of triggering property, both adjacent and within 25 feet agree to the waiver. and I'll accept that as a friendly amendment. this is second reading only, correct? second reading only. give us time to work through that. mayor, I'll say that we met, the three of you, in advance and worked through this language, and I think when people see it

in writing they'll see that this is a well thought through amendment that I believe that council member morrison came up with that will work very well.

Mayor wynn: good. Look forward to that. Council member cole? clarified everything that I wanted to say. I'm just kidding. I'm kidding. I don't have any -- I'm just kidding. further comments, essentially amendments to our main motion, which is second reading only, lamar justin station area plan? I guess my request will be for staff to, you know, try to get that -- get this back to our offices, you know, well in advance of next posting. Further comments? Council member leffingwell? well, I'm not on the preapproved amendment list, but -- [laughter] I just got a question about the third bullet approved, recommendation to improve east-west mobility across lamar and so on, morrow and anderson lane carter study. If we don't have any specificity on that I'd just request to bring that back for third reading.

There is more detail provided in your report, and with respect to morrow, it was a recommendation to evaluate opening up the east to westbound access on morrow, looking out --

leffingwell: across.

Across lamar, exactly.

Leffingwell: okay. Good. Thank you for that.

And it is just to evaluate, given changed conditions since the infrastructure was put in that forces the right turns from morrow on to lamar. so is that to evaluate that or --

it's to evaluate the conditions and to come back and -- our recommendation is to come back to relevant boards, commission and council with the information and the recommendations. on third reading?

No, it would be -- it would be a follow-up implementation step to the station area plan.

Leffingwell: okay. just to clarify, sonia -- so any improvement that would actually be made to that intersection would ultimately come back to council for approval?

Yes, before anything would be done we would present the results to you of the analysis that's done with our --

remember there were equal size neighborhoods on the one side and the highland park neighborhood on the other side, they had very differing views what to do with the intersection. So I want to make sure before we implement any changes we have another public --

it will come back to you as an implementation item. so that is not a request for a friendly amendment. Satisfied with --

mayor wynn: thank you.

Although your tone was very friendly. further comments on our second reading only motion, lamar justin station area plan? Hearing none, all those in favor please say aye.

Reporter: aye.

Mayor wynn: opposed? Motion passes second reading only on a vote of 7-0. and mayor, i think we probably just need -- I didn't actually include one, but I guess just for -- also on second reading items -- neighborhood plan amendments motions 2 and 3, or I guess we can -- my motion included -- my previous motion included items 2 and 3 along with motion 1, so they -- yes, thank you for clarifying that.

Mccracken: yeah. so now let's see, mlk, I guess, is our next motion sheet. Council member morrison? so I would like to go ahead and motion 1, I'd like to do this separately, under the mlk with -- for second reading only, with the same adjustments to d and e, affordable housing and compatibility standards, as we just would be doing. So it would be entirely consistent. And I would also like to not include in this motion for second reading the section on alternative compliance, because that's a discussion that's going on right now between some of the stakeholders, and they needed some more time to work on that. So this motion would be to approve the station area plan with those amendments except for that one section, and all of that on second reading. I'll second that. motion and second on the table, the mlk station area plan, second reading only. and mayor, I'll offer -- I'll offer a friendly amendment to include the same parks amendments for the mlk station area plan that was in the lamar justin station area plan. and council member morrison, do you consider that a friendly amendment?

Morrison: yes, I do. And I also want to clarify just one thing, holding off on the alternative compliance section, I wanted to suggest that we have that on the agenda for our december 11 meeting for second reading. does that work for staff, ms. lopez?

Yes. council member martinez? just clarification point on your friendly amendment. You spoke to the parks and trails plan. Did that also include the families and children's children's amenities as well?

Mccracken: yes, it did.

Martinez: all right.

Mayor wynn: thank you. So again -- so council member morrison, is your motion -- let's see, how are we addressing -- is this just the motion 1? How about the code amendment? I was just going to leave it at motion 1 because they're I think -- I think 1 a needs to be addressed separately, and that way we can go in order, so just motion 1. motion and a second on the table, amended motion and second on the table, second reading only, motion no. 1. Questions, comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0 second reading only. mayor, I'd like to make a motion on item 1 a. This was a valid petition at 2900 manor road. We've worked out some language with the compatibility that we did in the other tods that I think should apply to this property. So it would be the same compatibility and standards that we're applying to the other tod and also the tod-mu zoning. And also that we limit the height to 40 feet in this area adjacent to the single-family neighborhood, and on randolph within 100 feet.

Second. so motion 1 a made by council member cole, seconded by mayor pro tem, and would this be second reading only? Second reading only. Further comments, questions on the motion? mayor, I think basically my understanding this basically treats 2900 manor road like all the other properties in the tod as a result of this amendment. I think it addresses -- my understanding is it addresses the issues raised by the valid petition, that it gets treated the same as everyone else in terms of eligibility, for height bonuses is contingent upon council member morrison's amendments. and ms. lopez, yes?

Except within that first 100 feet? That was one of the provisions, that it remain at 40 feet in height within the first 100 feet on the property? eligible -- there is the waiver by the adjacent property owners, 66% of adjacent property owners.

Cole: the same as we did.

So the property -- that first 100 feet would still be eligible for the height bonus if -- okay.

Mccracken: yes.

Okay. I understand. again, further -- council member martinez? mayor, I'm going to vote for this on second reading, but i distinctly remember on on first reading many of the neighbors coming down here and trying to address the concerns they had with this particular portion of the mlk station area plan simply because it is -- it's not necessarily unique, but it is completely surrounded by single-family use, and they wanted a little bit more of a setback to try to lessen the impact on the neighbors, but also support this on second reading just knowing that I want to revisit with the neighbors and make sure that I have a complete understanding -- make sure that they have a complete understanding of what we've done on second reading, because it's very different from the first reading. mayor pro tem? I think one of the things that council member morrison's motion does is her amendment makes it clear that for anyone to actually get a compatibility waiver, the neighbors would have to sign off on it. So that's a built in layer of protection for the neighbors that I think will be an important part of the interest you've identified. Yeah, but even if 100-foot setback it would still have to get the approval of the adjacent neighbors before they can get a compatibility waiver. That's the key difference, i think, that laura has come up with that will help address that. hopefully with the third reading we can understand that. Council member leffingwell? I have the same concern. What do you mean by adjacent neighbors? Is that within a certain number of feet or -- sharing a property line. within the valid petition area if they're eligible to sign a valid petition? I believe that this the code the word adjacent neighbor means that sharing the property line, when you're

talking about compatibility standards, so that's what I understood it to be. well, like on a previous case we just dealt with we had 100-foot setback for compatibility. You're not talking about that? Are you? are you talking -- I'm sorry.

Leffingwell: yeah. in the case of 2900 manor, I believe what's being talked about is that 100-foot transition zone where compatibility applies, and for 2900 manor it was actually 200 feet instead of 100 feet. Would you agree? Am I correct on this? well, i think -- that's my understanding. yeah, the general motion from council member morrison was I think 25 feet, or is it 50 feet -- 25 feet within adjacent property line and properties within 25 feet of the adjacent property. On 2900 manor it's actually expanded to 100 feet. that was 2 own it was -- it was 200 and now it's just 100 -- that's more than the 25 feet from your motion. I think we're getting a little -- mixing apples and oranges. We're talking in one case about 100 feet -- 100-foot band inside the tod where compatibility applies, unless people that are adjacent sign off, and that's unless people that are adjacent sign off or people that are within 50 feet of the property line.

Mayor wynn: got it. that's what i meant. That sign-off is not necessarily that germane to this conversation. I guess I'd say I have the same concern as council member martinez, what we're proposing here is pretty much different from what we did on 1 when the public hearing was open, and the folks were able to come down and express their opinion, and here, on this version, they're not able to do that. So I will -- I will vote on second reading only, but I'm going to have to get some kind of confirmation on this before I can vote for it on third reading.

Mayor wynn: understood.

Cole: understood. council member cole? I would just say this is in the interest of making the tod similar, and I do remember some of the neighborhoods' concerns but I do think with some of the protections that council member morrison has put forth, those are covered, and secondly, I think that -- well, we will get adamant feet back between second and third reading. we have a motion and a second on the table, motion 1 a, second reading only. Council member morrison? I have a question for legal. This is being referred to as a valid petition. Now, what I understand is the owner has objected and is opposed to certain situations that are being proposed, but in particular the issue of the 200-foot compatibility setback, but even the others. Is this a suggestion that we're going to need a super majority to pass it? Because it doesn't look like we're taking any property rights away in terms of -- in fact, we're relaxing them with regard to compatibility, only applying 200 feet away. I see ms. thomas conferring.

I think I'm about to defer to staff on this.

Morrison: okay. Welcome, by the way.

Council member morrison, deborah thomas with the law department. Since this is pardon of the tod zoning of the property, it is a -- it involves a change to the zoning regulations that apply to the property, and the applicant -- the owner does have the right to -- to have a valid petition since it is he who would be protesting a change on the zoning on his property, and a three-fourths majority would be required.

again, motion and a second on the table. Motion 1 a, second reading only, and a number of things obviously need to be clarified before third reading. Council member martinez? I want to see if I can add a friendly amendment that we open a public hearing for third reading.

Cole: yes.

Mayor wynn: okay. You asked for it. that would be just on that one item, right? just on that one item. so again, motion and a second on the table, second reading only, with the further instruction to open a public -- the public hearing on this item for a third reading. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes by the second reading, at a vote of 7-0. mayor, I'll move to approve for second reading only staff recommendation on items -- the motions 2 through 5 and 1 b. Is it 1 b? 2 Through 5. motion by mayor pro tem to approve staff recommendation on these neighborhood plan amendments 2 through 5, second reading only. I'll second. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes second reading only, vote of 7-0.

Was there any action taken on the staff recommended code amendment that was affect both mlk and plaza saltillo? sounds like we need to. Mayor pro tem? I'll move approval -- I'll move to recommend that staff initiate the proposed staff recommended code amendment.

Second.

And that means that we would come back on third reading with the resolution to do the code amendment.

Mayor wynn: okay. Fair enough. So motion by mayor pro tem, seconded by council member cole, directing the city staff to initiate code amendments as outlined on our motion sheet. Second reading only. -- Or -- further comments on the motion? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Plaza saltillo. mayor, I'd like to move -- make a motion to approve item 1, the code amendment, and 2 through 5, but under item 1, section c, to make the same changes as per mayor pro tem, changes before that we had, as well d and e, to make similar changes that we had on the lamar justin. On second reading only. motion by council member morrison, secked by the mayor pro tem to approve motions 1, our code amendment directives, the neighborhood

plan amendments 2 through 4, second reading only, mirroring the amendments c, d and e that we took on the justin lamar station area plan. Second reading only. Comments? Council member martinez? mayor, I'd like to propose a friendly amendment on what we found on east sixth street within the station area plan is that there are a lot of old properties that now have a greater potential of redevelopment, and we've identified some of them as being significant, potentially historic. I would ask that the list of properties that was given to sadowsky be added to this -- to the adoption of this item and that those items, if a demo permit is ever sought, that it automatically go to our historic landmark commission for review. accept that as a friendly amendment. Further comments on our second reading only motion, plus a plaza saltillo station area plan? Hearing none, all in favor say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0.

And that's it. thank you, ms. lopez.

Thank you.

Mayor wynn: mr. guernsey? I would like to turn your attention to item no. 90. We can offer another consent item to you if you'd like to consider it now. During your course of your other business the property owner and the neighborhood have come to -- reached an agreement. 90, this is case c14 h-2008-0019, known as the blondie pharr house at 801 highland avenue. This is a zoning change request from moderate high density neighborhood plan mf-4 h-np to multifamily, high density, historic landmark, h-np combining district zoning. The historic landmark commission recommendation was to grant the historic designation as well as the planning commission. The neighborhood and the property owner of 801 have come to an agreement to zone the property historic zoning on first reading today. They've -- the parties would like you to keep the public hearing open and then they can -- we can finalize this, but it would be merely to go forward for first reading to zone the property in accordance with the planning commission's recommendation but to keep the public hearing open but only for first reading this evening. I'll entertain a motion on a 90, as presented by staff. I'd be delighted to make a motion to zone -- accept staff recommendation to zone historic on first reading only and to keep the public hearing open.

Cole: second. motion by council member morrison, seconded by council member cole regarding staff recommendation, first reading only for remaining -- leaving the public hearing open, item no. 90. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0.

Thank you, council. thank you all. Good night.

mccracken.

Gerns I'll turn it over to george adams to introduce items 75 and 76 dealing with the govalle combined neighborhood planning area. council member shade? in the spirit of getting things off the agenda I wanted to see about presenting no. 89. I had talked to people in advance of that. I'd like to make a motion that we postpone that so they don't have to stay. do we have a postponement date in mind, council member? I don't actually have a date, but 11th of december would probably be okay. so motion by council member shade, seconded by council member morrison, to postpone public hearing 89 december 112008 meeting. Further comment? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0.

And for those listening that was the property at 808 nueces street.

Mayor and council, george adams with neighborhood planning and zoning department. Very briefly, on item 75 and 01, govalle/johnston terrace combined planning area, vmu opt-in/opt-out process. Neighborhood plan amendment, 76 is case c14-2007-0259, govalle/johnston terrace combined neighborhood planning area, vmu opt-in/opt-out zoning case. Just briefly wanted to point out one item. On august 21 the council approved the planning commission recommendation on first reading with one exception. At first reading the council also included tract 6 d -- or kept tract 6 d in the vmu overlay district and this was done at the owner's request. They had filed a valid petition against being excluded from the overlay district. At that time we should have noted that tract 6 d should be included in the neighborhood plan amendment, and so I just wanted to point that out and make that request. That is reflected on your motion sheet, but I just wanted to bring your attention to it. So with that this case is ready for second and third reading. I'll be glad to answer any questions.

Mayor wynn: right. adams, council? Comments? Council member martinez? I'll move approval on second reading only, staff recommendation.

It is ready for second and third, if you'd like. let's just do second reading and make sure that everybody is on the same page for third reading.

Mayor wynn: agreed. Motion by council member martinez, seconded by council member leffingwell, to approve second reading only. This combined case 75, 76, as presented by staff. Further comment? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0.

Thank you. thank you, george.

Mayor and council, i think that brings us back to item no. 87. I think you're right. 87 is case c14-2008-0158. This is a zoning change request at 1410 west ben white boulevard. Zoning change request is from community commercial or gr district zoning to general commercial services-conditional overlay,

which is cs-co combining district zoning. The planning commission's recommendation was to grant general commercial services zoning on the property, and it was approved upon consent for all three readings when it originally came up. The property itself is approximately .41 acres. It's located along ben white boulevard, adjacent to fort view. The property itself contains a truck rental business and some repair services on the property. To the north of the property is family residences or sf-3 district zoning. To the east is cs and the tile and plumbing company, and to the west is gr and some auto repair parts and billiards businesses. The property itself is located in the south lamar planning area, but there's not a neighborhood plan that's been adopted for this area, and there has been discussion between the south lamar neighborhood association and the applicant agent with regards to this property. They have come to agreement on many uses that would be allowed and some that would be excluded, but it's my understanding at this time the neighborhood has requested but the applicant has not agreed to exclude the following uses, and these will be auto sales, auto washing, cocktail lounge, commercial off street parking, construction sales and services, exterminating services, food preparation, indoor entertainment, indoor sports and recreation, off street accessory parking, outdoor entertainment, outdoor sports and recreation, restaurant general, vehicle storage and veterinary services. You have on the dais in yellow the list that shows these. It's that three-column list. It's probably in the back of that attachment if you're to look, and they have emphasized there are four particular uses that the neighborhood objects to and that's cocktail lounge, outdoor entertainment, outdoor sports and restaurant general. And those are the four in particular that they are concerned about. peter von wupperfield is here on behalf of the austin company, and the ownership of the property is cothron partnership 2, and i believe carol gibbs is here this evening to speak on the neighborhood's behalf. If you have any questions i'll be more than happy to answer them at this time or von wupperfield come forward and make his presentation. thank you, mr. guernsey. Questions for staff, cube? If not then we will conduct this public hearing, case no. 87. I believe our agent or representative is peter von wupperfield. Welcome, peter. You'll have a five-minute segment for your presentation. Then we typically hear from folks in support of the zoning. Then we hear from folks in opposition and then you'll have a one-time 3 minute rebuttal.

Thank you. My name is peter von wupperfield, and i do own cochrane who is the owner of the property. This piece of property he acquired four years ago, and it's immediately adjacent to a lock shop that he has there on ben white boulevard. Next door going west, about 50 feet at the most, there is a bar, and it's right on ben white. There's a pawnshop across the street. We really have tried to work with the neighborhood group, and the staff has been very helpful in terms of forwarding the request from the neighborhood. And i thought we had gotten there pretty well. With regard to these last new items, because everything had been by consent until we were ready for the hearing at last council, and then they came up and asked us to postpone, which was fine, and they provided us some more properties that they wanted exceptions to. And we agreed to a number of those also. And so now the latest list that we have has these on the right-hand column, and i just got this list tonight. And in talking to cothron, he is certainly agreeable to including as an exception the outdoor entertainment and the outdoor sports and recreation. He doesn't have any problem with that. The other items we'd prefer not to. The property was zoned gr. The reason why it turned out that in renting trucks, which is what the use of the front of this property is, is renting trucks, that was a nonconforming use and so the recommendation of the city staff

was for us to change from gr to the cs zoning. And so they were most helpful in doing that, and so, you know, I think it progressed very well. And I think these are fairly reasonable things and consistent with being on ben white boulevard, and there is actually a strip in the back of our property, about the last 25 to 30 feet, that is actually sf-3. So we're not changing that zoning. So we have a buffer within our own piece of property. But we don't feel it's inconsistent to keep the uses that we've asked for, and particularly considering that we've got a bar, you know, right down, you know, like 25 to 50 feet from the front of our property. Within our property I will cothron is a very good neighbor, and he has a second building right behind his locksmith shop, and he has a church that is in that building. The church does rent some of the automatic on space parking places on the back part of this property, which is part of the reason why, you know, we did not want to give up things like parking, which were sort of reasonable, but again, looking at where the property is on ben white boulevard, I think none of the things that we have, you know, asked to keep with are inconsistent with being on ben white boulevard. And if you have any questions I'll be happy to answer that. I don't need any more time than this. thank you, peter. Questions for our agent, council? Council member morrison? do you know if the owner has any plans right now to change use or to develop the property or is this just a matter of getting it set for the long-term future?

He's just acquired the property to expand his business. That was the reason why he bought that. I was involved with the sale of him buying the property at the interstate to expand the business at 5th and rio grande. That's his long-term plan, just to maintain the property. and his business, maybe -- I'm not sure if you know the answer to this. His business actually is what use, technically speaking? Maybe that's really a question for --

I'm not sure I know. I think he operates in gr as a locksmith shop, but I'm not sure of the exactly requirements for a locksmith shop. It may be lesser than that. so he's just intending to expand his locksmith shop, correct?

Correct, he sells locks and safes and security systems.

Morrison: thank you. the next door cothron, i hated looting losing him downtown a few years ago.

Excuse me. I lived right around the corner from mr. cothron.

I bet you found him a good neighbor. he is a good neighbor. Makes good locks too. Any further questions for our agent? If not we'll hear from our citizens. Nobody signed up in favor of the zoning case. One person signed up in opposition, carol gibbs. Appreciate your patience, carol. Jan cartright also signed up in opposition but not wanting to speak. Welcome, carol. You'll have three minutes.

Thank you, mayor and council members. I'm carol gibbs and I'm a member of the south lamar zoning committee and an officer of the association. There are several neighbors who back up to this property. You-all have the map, right? No? Can we put this -- I have another visual I'll show you later, but we have several neighbors on morgan lane. This property, I don't know if you can see it well there. I've outlined in yellow the entire property that's involved here and kind of separated the sf-3 -- can you flip it

90 more degrees? There we go. That's more north-south. This is from tcad. This isn't from the city's gis maps because the city's maps don't show it the same way. But he owns the entire parcel, and that sf-3 in the back is one of our concerns, and I hadn't even realized there was a church that used this property for parking. Now I'm concerned that maybe this sf-3 is being used for parking. So while I had originally been concerned and talked to stephen rye, the case manager, wanting to make sure that identifying this parcel, because in the backup paperwork it names 90 -- you know, 122 as being what's rezoned. I wanted to make sure that that back square of it wasn't also being included in the rezoning, and he assured me it's not. But this tcad map is the reason I'm concerned about that. I'm also concerned that if we -- I'll back up. cothron, the business has been a wonderful neighbor. I mean, that's a great I've used them. I'm sure many others have used them, and none of the people I've talked to that back up to him on morgan has said anything negative about what has been there, even the truck rental business that he's been asked to open it for. But what we are concerned about is -- well, several things. One is that once we up zone the front lot to cs, is that going to somehow, like passively legalize this parki especially now that I'm hearing there's church parking there on the weekends, well, I assume weekends. Are we doing -- causing some unintended consequence with this? So I'd kind of like to get some clarification there. von wupperfield mentioned the club a couple lots down, and while, yeah, that is another cs use there, it's also part of the reason that we're worried about some of the cs uses for this property because those neighbors are already having trouble -- gosh -- are already having trouble with noise, from not only that business but a second one. There's two outdoor music venues on that block. The day care, I quickly wrote that in on the -- kind of to the northeast of his quadrant. They do not want to oppose this, the up zoning per se, because they realize they're not going to be developing it right now, and a site plan is where that would come into play, but they're already worried about runoff. They get all the -- when it rains hard, the gr lot is currently -- basically 100% impervious. It's all paved, and that's not an issue we can deal with in zoning, but because of that she's got all the runoff that goes back into the sf-3 lot and then over into her lot, and her concern about some of these uses like veterinary and exterminator and stuff is if there's a spill and then a rain, it's coming into the montessori school's playground. So there are some health issue concerns there, and then of course the noise concerns and the classic issues that neighbors have with automotive stuff. So as you can see there are some sf properties pretty close to them, and I'll stop and answer questions if you have any. But you've pretty much got it all in writing in my email and the prints of my email. thank you, carol. gibbs, council? Thank you, carol. von wupperfield, you now have a chance for rebuttal or additional commentary. Welcome back.

I think there were a couple of things with regard to the veterinarian services. We don't -- we wouldn't mind having an exception to large animals if he should lease it to a veterinarian, so that there's just small animals and there wouldn't be any large animals. And so along that line we could certainly agree to that. With regard to the parking that the church does, if we can put that map back up, the church actually -- the budget rental, truck rental, they only go back about 20,000 feet, about half an acre, and there's another 8 or 9,000 feet behind that before you get to the sf-3. And the church has rented some parking there immediately behind budget but not back into the sf-3. Unless you have any additional questions, I -- I think I've said everything. thank you, peter. von wupperfield, council? Thank you, peter.

Thank you, sir. so council, that concludes the public hearing part of this case. Comments? Questions for

staff? guernsey, did you hear anything that needed to be clarified or -- well, there's a couple things I just wanted to clarify. I reviewed the application for submittal and the tax map that we use to do our notice, and the area that's to the rear that was mentioned is sf-3 is not part of the zoning change request. It's only that portion in the front. That would be part of what's called lot 5. So -- and I just showed the gibbs to make sure that she was aware of that. So for the record, we're only zoning a portion of lot 5 and not lot 12, which i believe is a lot -- or a portion of that lot that's to the rear. I didn't catch the earlier question locksmiths, but if that's a question what type of use it is, that's a general retail siep of use. Truck sales or repair, usually use fall under -- depending on the size of the vehicle, either equipment sales or equipment rental, or -- which is a cs type of use, or it would fall under just automotive sales or rental, actually if there are smaller trucks that are being serviced or rented. So it depends on actually the size of the vehicle. Does that help? that helps, thank you, mr. guernsey. So again, we see the planning commission recommendation was cs, and staff recommendation was cs with the conditional overlay, correct? with a trip limitation.

Mayor wynn: right. so if it was the council's desire to exclude certain uses and allow certain uses, we would only go for first reading this evening, depending on your actions.

Mayor wynn: fair enough. Comments, council? Questions? Council member morrison. guernsey, could you -- the representative talked about parking, the church using the back of the lot for parking. What use is that? a church is a religious assembly use and that's actually permitted in an sf-3 or sf-2 category as well as gr. So it's not a problem necessarily to have a religious -- simply using parking residential or commercial. The issue might be if you were parking -- let's say big commercial trucks in the back, that's a use that would certainly not be allowed in a single-family zoning district unless it was a nonconforming use as it had been there a long time. So long as the property is one site as far as its usage, and I believe that people that would use the church building in the rear of the property probably would have to come from ben white, go through the gr portion in the front to get to the back, and that would be consistent with a religious assembly use that would be allowed either in gr or [indiscernible] so the parking independent of the church can be managed on any zoning?

Guernsey: that's correct. There may be questions about screening or about compatibility setbacks, but if the parking lot has been there a long time, I said before, compatibility standards weren't even around in the early '80s, parking on an an existing parking lot probably would not be a problem for an existing church use for a single-family or retail such as cs or gr. also could you recap for me again the situation that prompted the owner to need a zoning change? That was because he had parking oh truck parking - - I'm sorry, truck rental? I think it had to do with the truck rental. As I mentioned earlier truck rental would probably fall under equipment sales or equipment service type uses, vehicle sales -- excuse me, vehicle rental, depending on the size of the vehicles, and those are uses that would certainly not be allowed in sf-3. But if they're larger trucks then it would be required cs type of zoning.

Morrison: thank you. further comments, questions? I would like to make a motion if there aren't any other questions for staff. gladly entertain a motion.

Morrison: okay. Great. So I would like to motion that this property be rezoned cs-co with the conditional

overlay recommended by staff for trip limitations as well as limitations on the uses. For the limitations on the uses, they would be those on the sheet that you provided to us the applicant agrees to exclude as well as the automotive sales, automotive washing, cocktail lounge, exterminating services, outdoor entertainment, outdoor sports and rec, restaurant and veterinary services, and that motion would be for first reading only. Motion by council member Morrison to close the public hearing and approve on first reading only CS-CO. The staff trip limitation as well as the additional exclusion of uses. I won't bother to repeat. Seconded by council member Leffingwell. Further -- first reading only. First -- first reading only, that's correct. and Guernsey, remind me, what's the likely time before this would come back for second? approximately a month we would bring this back, so most likely it would be in December. Motion and a second on the table. I'll just say I'll support this on first reading only. I do want to understand a little bit more of the nature of the restrictive uses to make sure it's as equitable as it can be. Further comments on our motion. Hearing none? All those in favor please say aye.

Aye.

Mayor Wynn: opposed? Motion passes on first reading only with a vote of 7-0. Thank you, Mayor and Council. 88 and I've just been told I have another consent item for you. 88, which is C14-2008-0052 (TJG), we have a consent item I can offer for postponement to November 20, both sides would like to talk and try to work out the issues related to this zoning case. This is for a property located at 96 -- excuse me, 9609 Swanson's Ranch Road. So we have a joint postponement of the applicant and the neighborhood to your November 20 agenda. Thank you, Mr. Guernsey. I'll entertain that motion, Council. Motion made by Council member Leffingwell, seconded by Council member Martinez, to postpone public hearing 88 to our next meeting, that being November 20, 2008. Further comments? Hearing none, all in favor please say aye.

Aye.

Mayor Wynn: opposed? Motion passes on a vote of 7-0.

Thank you. I think that moves us to item 91 -- correct. 91 is case C14 to 2, 00, 01. The T and D amendment no. 1. This is the rezoning of property located on Dessau Road from traditional neighborhood district TND district zoning to TND district zoning to change conditions of zoning. The planning and zoning commission's recommendation was to grant the TND zoning with changes. Their recommendation was for the staff recommendation, but also modify that recommendation with the following change in conditions, that designated a manor independent school district site designated as the civic tract within MRA-1 shall be held for a civic use for a period of three years. 81-acre manor school specific site will remain and still be shown on the TND land use plan. However, there will be an insert or a note placed on the land use plan that states property is not purchased for specific use within a designated three-year period, this reverts to the applicant's requested use to show on their proposal. That was for some residential and to have a park use. We have been working with Dr. Horton staff with regard to that portion and have agreed to provide a provision that there would actually be a date of August 1 of 2012, that if that property is not utilized as a civic use, that it could revert to a residential use and the parkland use, and the applicant's agent, which the Mayor will probably speak a little bit more to that, but we are in

agreement with that. That's approximately three years and eight months, and that would be from the date of the ordinance, not from the certificate of occupancy. The property itself is almost a 300 act straight. It's 270 acres. It's located along dessau road, between lundberg and braker on the eastern side. It was our first tnd. We recognized when we came in and did this that there were absent [indiscernible] computer project and took a long time to get this approved. There probably need to be some changed to our tnd ordinance and I think there were approximately 38 deviations, I think, that came in when we originally got this approved. Since then you've actually approved several planned unit developments and pda's that have benefited greatly from this project as a lesson about how to do certain roadway cross sections and other cross sections are proposed to be changed to this but have utilized a lot of bits and pieces in this tnd and have applied them elsewhere in austin. There is a reduction, so i think we have a slight reduction in the maximum number of units, but there's a change in the type of units. There would be less single-family attached units and more single-family detached units that are proposed. There are some other changes. I think I might let mirror kind of run through those in general. There are some parkland that I think goes up very slightly. There's also some changes that show it having lots occupied only on one side of the street, actually occupied both sides of the street. So it would be a little bit more efficient using some of the roadway space. And with that I think I'll pause so that the commission's recommendation, staff has worked with the applicant, had made some slight deviation in time period to reflect the august 1 of 2012 date to convert some of that land. I'll let you know I've talked to an assistant superintendent of the manor independent school district regarding the site seeking if they would have any interest in the future to occupy the site and after about a 30-minute discussion with him on different aspects of this, came to the conclusion that the school site that was shown in the original tnd was a little bit too small for them to occupy. They have a standards now that would require about 15 acres or more for an elementary school site. They do have one site that's actually smaller and they built a two-story elementary school and they wish they had a larger site. So that's part of the reason why you also have this request. Not just from the applicant's standpoint but from the manor independent school district that they are no longer interested in utilizing the space that was designated on the original tnd as a school site. If you have any questions I'll be more than happy to answer them. I believe you have citizens mere is here from dr horton to represent this case. questions for guernsey, council, before we conduct our public hearing? Thank you, greg. So we will welcome the applicant and or agent and we'll set the clock for five minutes and then we'll hear from folks. Looks like we have one or two folks here to speak in favor and a couple folks here to speak in opposition. Welcome, mr. maier.

Mayor wynn, mayor pro tem mccracken, council members, I thank you for your time this evening. I represent d.r. hort and. We're the largest home builder in central texas. We focus primarily, although not schiewfl, on first home buyers, with a, single-family detached, duplexes, condominiums. In the past 12 months our div central texas has built and sold nearly 900 homes that would qualify at the 80% mfi affordable level and we hope this project will target that same market as much as we can. In our request to provide a wide variety of housing and community types we became interested in traditional neighborhood development about eight years ago. Since that time we have built well over a thousand homes that were in what we would call tnd or tnd light communities. We were the primary builder for several years in plumb creek in kyle, having sold over 400 homes in that tnd community. We are the

developer and sole residential builder in cedar park town center, which is the new downtown in cedar park. Pioneer hill was first discussed in 1999, nine years ago, our first land purchase was completed about seven years ago. And the original incentive and reimbursement agreement with the city of austin was signed in february of 2002. After many years of negotiating with the city to obtain variances that guernsey referred to from the tnd ordinance as it was originally drafted, and we received nearly 40 variances, our zoning was approved in 2004. After that the project was put on hold because we were building other tnd communities and we -- our corporate office made a decision to see what worked and what didn't work in those communities before we invested in another one, such as pioneer hill. In july of last year, 2007, we approached the city of austin to discuss some changes to the land plan, and these resulted in what is the currently proposed plan, and I request to have some changes to the original zoning. The changes focus mainly on amenity location, granting the city an option to buy the parkland instead of requiring them to purchase it immediately, and eliminating some of the alleys, adding some additional housing types mid block rather than having all the blocks be the same, donating some parkland instead of selling it to the city, setting -- and setting aside -- setting a timetable for the civic use, as mr. guernsey referred to. None of the changes we are proposing deviate from what we think is the spirit of the tnd ordinance, and the spirit of traditional neighborhood development. A wide variety of housing choices, housing types, housing prices. It will be affordable housing in this community. Employment opportunities in the community, recreation, connectivity within the community as well as without the community and retail opportunities which we hope will be local retailers because it's going to be a small retail space that will be enjoyed by the neighborhood surrounding as well as the pioneer hill neighborhood. We believe our changes will make for a better overall community because they're based on our actual experience with tnd's here in central texas. Additionally, pioneer hills located in east austin in a desired development zone. In addition to the tnd zoning, integral to the success of this development will be the incentive and reimbursement agreements that have now expired that we negotiated in 2004, and we have had some discussions with certain departments regarding these, and so far we have not concluded those, but we hope that the council will consider directing the city manager to appoint a liaison to help us coordinate that so we can get the project started as soon as possible. If you would like more information as to the specific changes, we do have the plan right here, and I'll be happy to answer your questions. thank you, richard. Questions for mr. maier? maier, I'm sorry, did you have a list of proposed changes? Did you pass that out? I heard you say something right here.

We have the plan here. I can sort of show it to you on the plan, you know -- on the plan. I didn't bring a list, unless greg, do you have one? I believe it's in your backup, yes.

Cole: oh, it is? Okay. And I can illustrate them on the plan if you'd like me to. council member in gurns council member, in your backup there are ten modifications they speak. I spoke to one of them, the difference in time between the commission recommendation and the staff recommendation. They're on the second page, and if you like I can read through them or we can continue --

cole: we can continue. I just wanted to make sure i had them. further questions for richard, council? Thank you, sir. Let's see, also signed up wishing to speak in favor is scott morse. Welcome, mr. morse. You will have three minutes.

How long? Three?

Mayor Wynn: three.

Three minutes? Okay. I won't take very long. My name is Scott Morse. I'm one of the members of the family that owned this project that has become the Pioneer Hill TND. We sold a portion of the Horton for the residential and the retail portions of the TND. We continue to own the light industrial, I guess it's called the workshop or the employment center, and the multifamily portions of the property. We've worked with Horton for many years on this project, and support it very much. We feel these amendments will make it a stronger project and feel like those ought to be implemented in order to help get the project under way. With regard to our workshop area that we retain, we currently have that under contract to a Boston area developer, Boston, Massachusetts area developer. It's currently in feasibility stage of the contract, but they're looking at it and we hope that they will go forward and will have an employment center for the project. We -- as I say, we've worked with Horton and we've worked with these they amendments and we feel they'll help the project. We understand some concerns have been raised with regards to the signal down at Metamere and Dessau Road, which is at the entrance to the Mojave project. It's our understanding that the signal stay the same. Nothing in these amendments will change that. Horton is not asking for change to that. And I understand the neighborhood is a little bit concerned about connection between the east and west parts of Dessau Road, that is connection to the neighborhoods on the west side of Dessau Road, with the TND on the east side. We feel it would be a mistake to try to wall off those neighborhoods west of Dessau from the project, you know, for the employment opportunities for those residents in the workshop area, and the retail opportunities in the project's retail portion. We feel like there ought to be connection back and forth across Dessau Road. Again, we support very much the project, support the amendments and hope you-all will pass them. Thank you, Mr. Morse. Questions for Scott, Council? Thank you, sir. Well, Council, there's a couple -- that's a couple of folks signed up in favor of the case. Now we'll hear from the folks in opposition. Two of those folks. First is Mary Elizabeth Hare. You'll have three minutes to be followed by Susan Morgan.

Good evening. I am Mary Elizabeth Hare. I'm here to represent our neighborhood association and it's in northeast Austin. We are -- we're welcoming the neighbors. We have -- I can say, we're not in opposition to the do-act. All we're asking is that we be safe, to have their traffic -- -- traffic coming from their development, and what we would like to do is be safe in our neighborhood. Right now we use our streets to walk, bike and exercise on. Our kids are playing in the streets, playing basketball, riding -- roller blading and their skate boards. Well, in order to do that now it's safe. Once you increase traffic, then it would make our residents more at -- our safety in jeopardy, I guess, is one way to say it. So what we're asking is they're wanting to put the traffic light at Meadowmere Dessau so they would cross. We're asking to decrease the traffic light. Once you put the traffic light there, that's a major thoroughfare. Traffic is used from Round Rock, Pflugerville and Manor on Dessau, and our thing is if you have a traffic light there, it's sort of like a beacon saying, okay, come one, come all. We already have people cutting through our neighborhoods to get to 35 already. We have speed bumps already. We have stop signs. They don't work. We are asking to have a forced turn, like at Airport, at the project. And I have photos. So what we're asking -- again, we are not opposed to the development, welcome neighbors. We just don't want the traffic. And when it was presented to Horton for this development, we

said welcome, but we don't want your traffic. We asked that they not have their traffic coming through our streets and our neighborhood on meadowmere. They said they would take it under advisement, and absolutely not because we're here asking for the same thing. Please just keep our residents safe. We would like to enjoy our streets safely for every age, from -- I have pulled my granddaughter in a street and it was safe. We have new moms with kids in strollers. Once there's that traffic it will no longer be safe for us. So we're asking, you leave your traffic light there. That's fine. Just put a forced turn bay so -- to decrease the traffic instead of increasing the traffic flow on our streets and in our neighborhood. And as far as keeping us from each other, well, yeah, if you had a forced turn bay we wouldn't be able to go east and they couldn't come west, but if they have businesses that we would want to participate or partake in, you have a traffic light there, we can walk across or we can go up to childress and make a left turn and utilize their businesses but at this moment we have no clue what type of businesses they will put in their area, or retail. questions for ms. hare, council? Thank you, ma'am.

All I'm asking is please keep us safe in our neighborhood. Please.

Mayor wynn: understood. Welcome, ms. morgan. You too will be have three minutes.

Thank you. Mayor, mayor pro tem, council, appreciate your time. My name is susan morgan. I live in woodcliff subdivision, southeast of braker and dessau. My property actually backs up to pioneer hill. This tnd -- I was around in '99. It originally had the city and neighborhood involved in planning and all the parties had input. Out of that came agreements on several issues. Then the design was delayed for several years. Now the same plan is being resurrected. Several of those original agreements would be set aside in these various requests. By consenting to these variances the city circumstance you mean vents the original process afforded the design in favor of what the developer wants. The changes requested by the developer allow him to keep the narrow lots, the narrow streets, the dense housing, but release him from a lot of the required trade-offs for that concentration. I'd be glad to go over the specific variances with you. Where is the balance? I think that without the open space in the design, and the other issues, that the plan does nothing but hurt the area's quality and value. The developer wants to eliminate the requirement for a northern like turn-in. This is that traffic signal she was shoafs talking about. There was a northern right turn in and turn out entrance and exit to dessau. It is a good bypass route for i-35 when it's congested. If the city eliminates the right turn requirement, then another traffic signal will have to be added further slowing the traffic on dessau. The developer should be made to adhere to the original plan. If not, he should be required to take the plan back to the surrounding neighborhoods for more discussion. With the current economy and the glut of housing there's no pressure on the city to surrender requirements and concede quality. There's no reason to give in to cheaper design. We should take the opportunity to raise standards, not lower them. Part of the original reason for the concentration in this design was to provide a school, a community center, retail, to reduce the need to drive, requiring fewer cars. Therefore one car garages, narrow streets would be acceptable, but if this is no longer the plan, then why not just make it like a more traditional neighborhood with a little bit larger lots, wider street, room to park. I've lived at this address since 1984. My house value has remained pretty constant. It's increased only about 50% over 25 years. And that's before the down-turn. Compared to most of austin this is almost nothing. There's been little in the way of development around me that has contributed anything to my house value. If the variances are approved for pioneer hill i

believe it will not only enhance my home value, i believe it has the potential for hurt it. Can I have just another moment? you may take a moment to conclude, yes, ma'am.

To make the area desirable and attractive, the open space requirement must be maintained. The alleys must be kept to allow the off street parking or the streets should be whitened to accommodate the parking on the street. It's my understanding that this developer built the neighborhood just north of me. The erosion controls were not sufficient to prevent large amounts of sediment into walnut creek along my subdivision. Now he wants other -- to get out of other commitments. I implore you to hold the developer to his agreements and say no to the variances. Thank you. Be glad to answer questions. thank you, ms. morgan. Questions for susan, council? Thank you, ma'am. Council, that's all of the folks to give us testimony maier has a one-time three-minute rebuttal. While he approaches we'll also note for the report that mitchell adams and kate forbes signed up not wishing to speak in favor. Welcome back, richard.

Thank you. I want to make it clear that we have met with the neighborhood on several occasions over a period of, I believe, six months. We listened to what they had to say. There is actually more open space in this plan than there was in the original plan. We have not changed the traffic signal. It was always in the original tia. We have not changed anything with respect to the traffic signal. We believe this is a better plan. It really mystifies me how anyone would think that this project with retail opportunities, with jobs, with a variety of housing, would actually make their property values go down versus what's currently a cow pasture. We think this is a great project. It's exactly the kind of project that I believe the city and the planning commission have been trying to encourage developers to build, which means that you can live there, you can work there, you can play there without having to get in your car. You can through the neighborhoods, you can bike through the neighborhoods, you can go down to the corner and get an ice cream cone or a cup of coffee. And we think that once it's built everyone is going to look at this as -- as a landmark project for the city of austin in a location where we want to build in the desired development zone. So like I said, we have worked with the neighborhood. We've tried to meet their needs. We could build the project as it is designed today. The traffic light would still be there. The cross-traffic would still be able to occur, but we believe the changes we made make this a better project and one that people will be living in at a more affordable price. Thank you. thank you, mr. maier. Questions for our applicant, council? Thank you, richard. Again, council, that concludes the public hearing piece of this case, item no. 91. Questions of staff? Comments? Mayor pro tem. if there's no question I'm ready to make a motion. I think a lot of this -- we've seen the plans, and this, I think, is going to be a neighborhood very similar to the miller redevelopment, which has been a very successful development of single-family homes with some places that folks can walk and go to. I think it will be a model development, and I believe these amendments will achieve -- make this -- it possible for this development to move forward, which would be a great thing for our communities. I'm going to move to approve the zoning and platting commission recommendation. Is that for all three readings? Just first reading only.

Second. so motion by mayor pro tem, seconded by council member cole, first reading only, zoning and platting recommendation. guernsey, is that -- does that make sense?

Guernsey: understood. can I ask a question of mr. guernsey? I think -- can you tell me about the -- any type of agreements or understandings that you've come to with the applicant about the civic -- school civic use?

Guernsey: yes, hang on. There was a tract of land that was originally designated for manor independent school district site, and I think he's going to zoom in on that. And there was -- when we have some of these larger developments that come into the city, there are times when the developer will offer land, sometimes it's not necessarily needed at a later date, and that's the case that's occurred with this manor independent school district site, slightly too small for them to use. But we may be able to find a different user that might land on the site, whether it's a fire station or maybe a library or some other type of civic type use. So we entered into a discussion, and staff had originally suggested five years to hold the site, and if it's not used for civic use, then it would revert back to other uses, and it has been proposed as residential and a small park would be proposed, and through discussions and meeting with richard and talking detail, we've looked through the phasing of the project, and there were suggestions of tying it to certificates of occupancy, which are more difficult to track through time, as the number of units are actually constructed. And so there was a date that was actually shown to us of august -- august 1 of 2012, which is about three years and eight months. And so we would just say in the ordinance that -- or with the change of this approval, that if august 1 of 2012, if there's no civic use that's realized on this property for the original school site, staff can administratively approve the additional few lots that would be associated in and the park, and that's my understanding. Richard can come up and verify that, but we are both in agreement to that. It would accommodate the timeline that staff thought was reasonable and it would be much easier to track than trying to tie it to a certificate of occupancy and there's certainty on the dolor's side developer side knowing if there was wasn't something achieved by that date, if someone wanted to utilize that property, they could use it for residential and the city would still retain a small parkas part of this property. I just didn't intend for that agreement to be included in the motion. we have a motion and a second on the table to close the public hearing, approve planning and zoning recommendation on first reading only. Further --

with the modifications that were just suggested?

Mayor wynn: yes, sorry s sorry. Further comments, questions? Council member morrison? I just want to first publicly thank our planning commission chair, who on his own, not as a planning commissioner but as one of the originators of the tnd ordinance, took the time to take a look at the plans and the revisions. I was very interested in what he had to say just because he has so much history with it, and I think that he shared this with all the council members, but he talked a little bit about -- and explained to me how building a tnd is a real challenge because of the mix of types of properties. Not only do you have a mix of housing types but you also have, you know, retail and employment centers, and so what I've sort of gotten for this from that is that this is -- it's definitely superior to a traditional subdivision so we can look forward to something that's better than that. It might not be as much as had originally been envisioned, but perhaps what was originally envisioned with the tnd ordinance isn't quite practical, and I know that -- I think the planning commission is actually thinking about now with this more experience, taking a look at that, and perhaps making some revisions to it. I do have concerns about the neighborhood to the

west, as was discussed by the resident from wi hills,. [One moment, please, for]

McCracken: I think that the biggest failure and perhaps the only failure of mueller is that we did something like that at mueller and it's a total mess. And you can't get in and out of mueller very easily because the neighbors had asked for something just like that. And now 90 percent of them complained bitterly that they did it. And so I think one of the challenges we have is that we see these cases five a week, and I have a lot of respect for the neighbors. This is very important. At some point we all have to have our judgment understood also that we see these all the time and we know that these don't work well. That's my concern because i understand the interest there, but I can tell you you will not be happy if that happens. It has been a failure where we've tried it elsewhere. So what I'd like to do, if it's okay, is to get some more information technically about what the traffic levels are of cut-through. Maybe if we could consider that to have that as presented as something to be studied for second reading and have information present odd it about the level of cut-through and what the engineering issues might be for that.

. And that sounds fair. I appreciate that. I hope that as part of that we can take a look at the impact of when you're leaving that central exit, just there, that you would either have to turn left or right. You couldn't go straight. That would be the only thing that you couldn't go straight there.

McCracken: I think that if we can look that, get some engineering information because as I general rule they don't work well. Maybe it would here. And we would at least give the neighborhood the courtesy of looking at it. It's gha you brought that up.

This has fewer exits on to dessau road there is an industrial access I think off of brown lane. You're suggesting an intersection that might be similar to morrow and lamar probably in its design. And we can take a look at that, but it may be a little more difficult with this situation just because there's not enough access points from this particular t and d on to dessau road.

Shade: I support that idea and I understand what you're saying, mayor pro tem. I think that the solution that you came up with is good that we'll get further study on it. I think we probably ought to also leave the public hearing open because I think that there's going to be an opportunity given what the results are for people to voice their opinion. You know, I don't have a sense for the scale. Mueller is so giant in comparison to what we're talking about here. I really do want to gheamplets, give the neighbors the opportunity to further discuss it.

And maybe some of the council offices working with them, maybe we could include early on the neighbors, if you could get their contact information, make sure we could include them.

I've asked jerry to get that contact information from the speakers. Mayor so object without --

Mayor Wynn:, SO WITHOUT Objection then the motion would be to not close the public hearing, first reading only. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes first reading only, 7-0. Item number 92 is case npa 0 #w as the petty property. This is an

amendment to the central east austin neighborhood plan, part of the austin comprehensive tomorrow plan for the property at 908 east 15th street, tract 1, tract 2, 15 waller street. This is a proposal to change the future land use map designation these properties to establish a mixed use designation. The recommendation was to do the existing use designation for 908 east 15th street for tract 1 and tract 2 and tract 3, 807 east 15th street and waller street. Item 93 is a related zoning case. It is c-14-2008-0166 for the property for the same addresses. This is to change the zoning on the property from sf-3 or family residence neighborhood plan combined district zoning for tract 1 to community commercial mixed use conditional overlay neighborhood plan or gr-m usks-co-np zoning for tracts 2 and 3. The zoning and platting commission recommendation was to deny the requests for community commercial mixed use conditional overlay combined district zoning. We have received an amended petition for the property at 809 east 15th street. For tract two at 807 east 16th street to be mf-4 co-np and for tract 3 at 1506 waller street to be lo-movement-co-np. And there would be a conditional overlay which is what the commission stands for would limit heights to 40 feet. It would also limit the total number of dwelling units across these three tracts to a maximum of 20 units and be limited to about 300 trips per day. Tract 1 lowest tract further to the south and tracts 2 and 3 being to the north. Currently the land use designation for tract 1 is single-family on the land use map. For tract 2, which is filed the north of that, the existing land use designation is multi-family, which would match the proposed zoning now of mf-4-co-np, but the zoning of the property is currently zoned sf-3-np. And then tract 3 is designated single-family and zoned -- is designated single-family and zoned sf-3-np. The property itself is about .75 acres, so it's only about three-quarters of an acre in size. It does share that frontage between 16th and 15th street. So it's kind of an l-shaped property. Staff didn't make a recommendation for the request on a portion of the property to be changed to a less intense mixed use classification, neighborhood mixed use on tracts 2 and 3 and to zone the property lr-mu-co-np, and then to leave tract 1, which is the tract furthest to the -- the tract furthest to the south to be sf-3 and designated as single-family 3. We do have a valid petition submitted on the property and you should have a copy of the petition on your desks. It currently stands at approximately about 26 and a half percent, so we do have a valid petition. We're only prepared for first reading today, so if you were to take action on the zoning case, it would not require super majority vote, but if it was successful and did move forward, it may require in the future. The petition is written in a manner that would object not only to the request originally as filed, but also the amended request that we received yesterday. The adjacent properties in the general area, if you were to look a little bit further to the east you have 35 to the west. Further to the east you have some residential, particularly to the south area, and some retail further to the north. At this time I'll pause. If you have any questions, I'll be happy to answer them. The case has been in for awhile and I'll note that there was a situation where staff made an error on this project originally, and the original case would have expired back in january. It was refiled by the applicant. And that led to some confusion between my staff and the neighborhood. I understand that is probably clarified by this case before you and ready to move forward with whatever action you recommend this evening. Thank you.

Mayor Wynn: Thank you, mr. guernsey. Questions for staff, council? Comments before we conduct our public hearing? Again, we're sort of calling up the combined case 92, 93. A handful of folks up to give us testimony on item 92. It's a subset of the larger group folks who have signed up to give us testimony on item number 93. So what I'll do is I'll open up the sign-up sheet on item number 93 and we'll just take it

in that order. But first, of course, starting with our applicant presentation. We'll set the clock for five minutes. Unless other folks are here to donate time to our agent. Welcome.

Good evening, council. Name is Allison Gheard. I'm here on behalf of the applicant. There are some general principles, I think planning principles, principles that city staff has directed towards people looking at redevelopment in Austin. And a lot of the general principles that you often see in city staff reports. And that's that zoning should today be compatible and allow for reasonable use. It should support some sort of buffer zoning. It should promote where appropriate urban density and affordable housing. It should result in equal treatment of similarly situated properties, and the zoning obviously should address neighborhood concerns as well. One of the primary neighborhood concerns that came out -- and we've been in discussions with the neighborhood for well over 15 months, had probably close to 20 meetings between Sweet Hill and OSHA, which is the planning contact team, and have continued to have numerous conversations up until last week and the logs this week. -- Dialogues this week. One of the initial discussions is there's a house on the corner of Waller and 16th Street that the neighborhood would like to see maintained, and that's where you see the I-MU. We incorporated that house into our initial design and the results of that were two fold. One is the house would stay and help maintain -- it would be maintained as a house, so you would have more of a residential feel in that structure. Then it pushes the MF portion of the front along the west side -- project along the west side of I-35. This property is bordered by 16th Street to the north, Waller to the street, 15th Street to the south and then I-35 frontage to the west. So really 80 percent of your development is -- has a 300-foot frontage along I-35 and then the 15th and the 16th Street tracts are 50-foot in width. So your development pretty much, you're going to have two envelopes. In terms of the zoning change or the zoning amendment that we made, initially we had asked for government-consumer-municipal with a conditional overlay limited to light office uses. We really wanted to do more of a mixed use, live-work setup on this tract, but the neighborhood has spread a concern and a desire not to have commercial uses. So we amended the application to have MF-4 on the western side of the tract and our preference is on the Waller tract where the older house is, to have an I-MU, to have the office of doing a light office there. We're not opposed to MF-4 there, but the house needs a lot of work, at least \$100,000 worth of work needs to go into the house. And the best potential for that house is a light office type use. In terms of compatibility -- I'm sorry, the conditional overlay that we had suggested -- in terms of compatibility and what we're requesting, to the west of 16th Street you have I-MU. There's an I-H-MU in there as well and that purple shading you see actually has a designation of industrial use. There's a stone mason -- stone cutter for the -- for the cemetery to the east. That's where he's located.

Understood, the 15th Street -- in addition to that, the 15th Street tract has -- that tract in and of itself has 150 feet frontage along I-35. This is a view from standing between the Waller and 16th Street lot. You've got Erwin Center right there. [Buzzer sounds] this is standing on the 15th Street tract on the pliant, so that's what you're looking at. I'll wrap up very quickly. In terms of similarly situated properties, the Sweet Hill lofts, which are about two blocks, that was recently rezoned to MF-6. They currently have 18 units on that tract and the tract is .4 acres. So the density that we're talking about on this tract is about 50 percent with 20 units on .75 acres. I don't think the neighborhood would disagree that we try to come to an agreement and it's my sense and the will speak for itself this evening, it's my sense that they don't want anything other than single-family SF-3 on these three tracts. And when asked what -- if there would

be any compromise between our goal number of 24 units and that goal number was really set with the idea that we wanted to keep these units around \$200,000, \$225,000 per unit, and we asked that there's some sort of compromise between the 24 that we're seeking and the sf-3, which is infills or seven units that we could do today. And the response was they would be amenable something like sweet hill row, which is an sf-3 project, and be the houses are 500 to \$800,000, which is really just not feasible for this site -- not feasible for this site. We're asking tonight that you support our zoning request to allow for what we feel is responsible, but low density development in an appropriate location. I'm open for questions. Be.

Mayor Wynn: Thank you. Questions for our agent, council? gardener will be able to do a rebuttal after we hear from folks in opposition. Thank you. So I don't think we have folks signed up in favor of the zoning case. We now go to folks wishing to give us testimony in opposition. I'll take these in the same sequence that they signed up on the machine for item 93. Our first is William Minor. You will have three minutes and be followed by James Medina.

Mayor, councilmembers. My name is Bill Minor. I'm the president for the Sweet Hill Neighborhood Association. I'll try and stay within my three minutes. It's been a long 15 months. Gardener has hit on a number of points that I wanted to take, so I'll speed me through. Throughout the central east Austin neighborhood planning process, which started in 2000, 2009, Sweet Hill residents and property owners expressed a strong preference for exclusively residential developments. We feel that to spot zone commercial property elsewhere is to immediately diminish the value of those investments and to lay the creation of thriving residential life. Commercial life. The applicant's requests are inappropriate for these tracts. Either zoning would allow structures that are wholly incompatible with the scale and design of our historic and residential neighborhood. Any development will take access through the neighborhood streets. None of which has been designated a major roadway. A few of them have sidewalks this project would increase traffic on already narrow streets, intensify hazards to pedestrians, cyclists and further deplete our already limited parking availability. Most lots in the neighborhood are substandard, don't have driveways, so the residents are left with parking on the street. I will close with that. The existing zoning is as it should be. It's appropriate to maintain the neighborhood's character. The zoning the applicant is requesting is in direct conflict with the most basic important goals of the neighborhood plan, and the long held and long expressed views of the Sweet Hill neighbors. And despite many conversations that we've had, we still have yet to see any convincing reason why the applicant cannot develop this property within the entitlements that existed when he bought it. And it really goes without saying that no deliberative body has yet to support the applicant's requests, and we're asking you tonight unequivocally to honor and endorse the neighborhood plan and deny the applicant's request for change and deny the amendment to the central east Austin neighborhood plan. This site is a complicated site. All sites are not the same there are access issues, there are scale issues. There are sound issues. And there are compatibility issues. The project and the site are at a threshold between greater Austin and single-family use, and I think we understand that and we want to work within compatibility. We've tried to demonstrate a willingness to be flexible on density, traffic ingress and egress, uses, total trip counts. We understand the nature of Sweet Hill, but we also understand that this site has a 70 to 80-decibel level relative to I-35 and a lot of exposure. And it's currently been owned by the same owner for more than -- owned by the property owner for more than 10 years and

he hasn't developed it biewls they are large lots, 11,000 square foot single-family lots, the density that you could put on there would still be at a price point similar to the development that I actually think is very successful at the sweed hill row, tbhiewls interior to the neighborhood and it creates across the street from a park versus being across the street from i-35 and at the weird nexus of where mf-2 used to exist farther to the west of the site until the highway expansion took those lots and that left that weird piece of land that's the old access to 35. I think there is a compromise in this project, and I think we've tried to demonstrate our willingness to compromise with the neighborhood concerns over the past we've had, but the premise of the project has never been accepted, so it's hard to negotiate the specifics of the neighborhood's concerns when they are still at sf-3. I think that there is a possibility for development of any scale on this tract, which is mf-2 to the east of the property or the other. Those will all meet the same conditions that are adjacent and you can still build within compatibility on this site. So I think that there is a range of development that could happen here. It just has to get off of the single-family use in order to make it viable. Compatibility and parking and the ldc are all going to eventually limit this development. Whatever happens here in any scale, really trying to find an opportunity to make an infill project that acts as a buffer between existing single-family neighborhood and the city at large. And I can answer any questions or provide any alternative zoning calculations for you if you would like.

Mayor Wynn: Thank you. Questions for eric, council? Thank you, sir. We'll go back to folks signed up nonresponsive sition. James, sorry for the interruption. You too will have three minutes followed by margot (indiscernible).

I appreciate the time to speak with you today. My name is james medina and I have been in the neighborhood for seven years. I've been a past president of the neighborhood association, so I'm very familiar with what's gone on recently. Bill went through kind of how the neighborhood feels and allison and eric have done a good job be of of splaifng, single-family. I kind of wanted to paint a picture of what the neighborhood really is. To give you an idea of kind of what's going on, I own these two houses over here. Just to let you know, I live understand this house and my sister-in-law lives there now. This is the house where i brought my first daughter. The house next to it was owned by andy (indiscernible). He used to teach twirling to cheerleaders. Next lived johanne and mike and they have successfully raise add teenage son. In this house right here bill failed to mention he has raised four girls and this house here, mike clark madison, who most of you know, has raised a son rudy. I wanted you to know this is a very important on issue to us. This is the neighborhood where you have a lot of new children. You have more families moving into the neighborhood. We have real concerns. Our concerns about traffic, concerns barking, concerns intoaning, flonl zoning which will -- nonresidential zoning that will increase the strangers that come into the community. Before you you see people in the neighborhood that have worked hundreds of thousands of hours, working with ara, urban renewal board, ocean, attending sweed hill meetings, planning commission meetings, board of variance meetings. And in each one of those meetings we have supported the development of 12th street and 11th street because we know that's the right place where business needs to be. As a reminder goirntion sweed hill vote was 63-10, which was our second vote opposing this request. The first vote was 24-7. I understand that was called to your attention there might be some issues with that vote regarding awareness. I want you to know that since that vote we have double our efforts to educate the people in the neighborhood. We handed out 200 fliers once a month. We have board meetings. We have an e-mail distribution list. People are

informed. And because of that information, we have records, participation in our vote, which was opposed to that 63-10. Ocean opposed with 24-7. You've heard the 26% of the property owners. If you take out txdot, which accounts for 40 percent. -- [buzzer sounds] if you think about it you're actually looking at 50 50speforts neighborhood that's in opposition to this. I'll stop by saying thanks. I know that everybody wants a win-win situation. We neal the owners owned this property for 10 years. He's in a win-win situation, but the thing is how much of a win? Is it one million dollars, two million, three million dollars enough? Let us have your win by wanting to have our children in the neighborhood and wanting to continue to be there because it is a true neighborhood for families. Thanks again and again justhoping that you support our request.

Mayor Wynn: Thank you. Our next speaker is margot (indiscernible). You too will have three minutes, to be followed by tracy witty perhaps.

Is there a timer up here that I can see where I'm at? Okay.

Mayor you start talking, it will start counting down.

My name is margot and i live at # 01 east 16th street, which is directly across from this property. And I'm glad to finally get here. Because I'm just so tired. I spent seven hours on my feet today working with children. Here I am at yet another meeting trying to save my neighborhood and my home on an issue that we've already discussed time and time again. But I show up biefns when i, sphwriepts. -- But I show us even when i grais I want to have a voice. S now we show the very narrow entrance on i-35. We do not have direct access on i-35. We're talking a frontage road with the txdot buffer. And this is supposed to accommodate 300 cars a day. That's not going to happen. People are going to to go through the neighborhood. You miss that exirkts you have to go all the way around through mlk. I miss an exit, I ghievement get homefive minutes later. That is not an exit that people are going to be using. Next I have a wall that separates denny's and a hotel and a buffer of the neighborhood from mlk from any vehicle traffic be and also promotes pedestrian traffic because there's no entrance at our side from 16th through the hotel, through the hotel or denny's area or even through mlk you have to walk around the wall. Finally, you see here the ends of 16th street, which is only expwirkts 65-yards long. It ends in a cemetery. There is no direct access. That cemetery is locked up and it has a very low speed limit. Also the neighborhood is buffered by the frontage road that is owned by txdot that is quite large and has the nice signs no parking, txdot. And other large buildings that have been built do have direct -- around our neighborhood do have direct access to the frontage road and have -- did not have immediate neighbors. I live right across the street from this property. As to obviously the other neighbors. In any way my home and my neighbors is protected as a part of old austin and those proposed plans reflect the neighborhood concerns. Sweed hill has multiple historic homes, parts of 14th and 15th street are actually on the national register of historic districts. And I have been cleared and we have been cleared on what is acceptable. I came to the neighborhood snoangt. I came it's loud. [Buzzer sounds] I live close to i-35. And this sophisticated buyer tbhoo he was getting into when he bought the property. I just don't see why making more money than he can make snrien destroy my home and my neighborhood. Mayor sphwhrairts our next speaker -- mayor tracy witty is our next speaker. Our next speaker is rod sideenburg. Spreas obviously here of the -- tracy is obviously here. How about john? Is john in the

room? The rules are you need to be present in order to donate your time. Welcome, John. How about rosealee chiles? You will have 12 minutes you need it.

Thank you. My name is Rod Side. I'm going to do two things. The first is to read two paragraphs from a letter that was sent to council and the mayor by Mike Clark Madison who could not be here tonight. Mike chaired the Guadalupe-Crafted the Central East Austin Neighborhood Plan. He was the first president of Ocean and currently is serving as the interim president of Ocean. He writes, 15 years ago I bought my house and still live there with my family. For the entire time I have lived opposite a vacant lot. I would like to see something happen to that lot, but I am not interested in seeing ill-conceived zoning put in place in lieu of a sensible and sensitive development plan. I urge the council not to give in to the temptation to plan and zone this property from the days out of a perceived need to allow the applicant to not walk away, quote, empty-handed. The applicant has owned this property for more than 10 years. He has had a full generation to do what he and his representatives seem to now be trying to whip together. He can take the time and come to understand the site and the neighborhood, the opportunities and constraints involved, and propose a plan that not only is acceptable to the neighbors, but they will actually work as a real estate proposition. It's not actually worth your time at this point to rehearse why the original concepts behind this application, admirable as they may be in the abstract, make no sense for this property, which in most respects is three ordinary house lots in an old inner city neighborhood. As I read the city code, any zoning ordinances would be inappropriate for a tract such as this one. The likely historic status of the (indiscernible) house, which is the house discussed that sits on the corner of 16th and Waller, and compatibility standards triggered by homes adjacent even with that rezoning we're looking at the same sort of small scale you are brain-filling that has already been accomplished many times in Sweet Hill in recent years. Clearly even without rezoning, the applicant could achieve similar results now under current entitlements. I ask for your support in helping achieve that outcome. That is from Mike Clark Madison's letter. Secondly I would like to offer one other perspective, which is mine. Left view Sweet Hill as a throng of intransigent citizens standing in the way of progress, I would like to disabuse of you that notion. I remind you that our neighborhood association and many residents in Sweet Hill spent literally hundreds of hours discussing the growth of East Austin while helping to craft the East 12th Street NCD. Our stance then as now was to encourage commercial and mixed use development, but in an area where it belongs along one of the district's major commercial corridors, East 12th Street. Nothing has changed. We want and in fact we need that kind of development along East 12th Street. Thus looking at tonight's case we know how the city has invested enormous amounts of time, money and energy into East 11th Street while East 12th Street lays fallow. For years we've been led to believe that that effort would extend to East 12th Street. Sadly it has not. I don't mean to divert issues in with this, but it's very important that everybody understand that the neighborhood organization and many of the neighbors not opposed to mixed use development, not opposed to commercial development, but in its right place. So instead of shoe-horning development opposed by a majority of affected neighbors, we would like to urge council and planning to help devise and carry out a plan for 12th Street which sits at best abandoned and underdeveloped and at worst dilapidated and crime-ridden. Let's not destroy the fabric of one of Austin's most precious, historic and residential neighborhoods. Let's show how we can foster the much-needed development of affordable and commercial corridor that can service the

residents of not just austin's east side, but also of burgeoning downtown and in fact the entire city of austin. That is how we will all win. Thank you very much.

We were able to get the zoning kicked up a little brictd build four more units on the site than I could have built with mf-4. The buildings are soundproof. We're right on the highway. And those brlrgs soundproof -- and those buildingsare soundproof. And I am looking at sweed hill. I've been a fellow that has crammed stuff into small lots my whole career. I love to do that. In this particular case i look at it from the developer's side, petty's side, and I look at what they were trying to do with that site, and sweed hill is truly one of the few little nuggets we have here in that the majority of the place is all single-family or very, very, very light density. There are properties zoned mf and lo in the neighborhood, but they've got houses on them and they've been houses for a very long time. The notion that the developer brought to you about the lots in the area, sure they are, tblur houses and be people living in there and they've been there a long time and I doubt they will be changed any time soon. The developers plan, and I've seen it for the last year and two and three months, is essentially the same plan over and over and over to us. It's a very large building that's going to destroy the image of sweed hill. When you look at sweed hill from the neighborhood, that building is going to take up essentially one fourth of the frontage of that neighborhood. All you will see is a gigantic building and it's a square 35-foot tall building that will have parking underneath it. And I found that odd and i questioned them, and it's my perception is that petty, the owner and developer of the property, isn't planning on doing anything himself, but possibly flipping the property, so this exercise has been in a chance to enhance the value of the property. And I questioned the developer concerning about what he could do with the property that would be advantageous. And I suggested building three duplexes on those lots, nice duplex with atriums in the middle that would mitigate the sound add there is no sound problems. I put six-inch buildings in my home and you can't hear the highway at all. A duplex on those lots would be very bairnld I think make the property pay off for the man. I am against balancing large building, -- I am glearnlingsd specifically mixed use or lo. Thank you.

Mayor Wynn: Wendy hart. Welcome. You too will have three minutes to be followed by gene chiles.

Won't take very long at all. I'm wendy hart and I'm one of the sweed hill residents that has spent countless hours talking about sweed hill growth. And I'm asking that you please deny the petty zoning change for every reason previously by fellow residents of sweed hill and also in particular of the staff of vander house on 230e67b waller that has been -- at 1506 waller that has beenly referred to as that old residence that needs hundreds of thousands of dollars worth of work. The staff vendor house should definitely remain sf-3. The home should be rehab bed to properly honor the infamous austin family of monument builders who are ally responsible for the historic oak wood cemetery that's right in sweed hill. And additionally the size of the structures bolt up-zoned lots would likely or definitely dwarf what all the to be an historic building. It's vitally important that sweed hill remain true to its historic past and keeping the scale of its development in check is really the only way to do. So if you can see it the way we see it, could you please vote against this zoning change? Thank you.

Mayor Wynn: Thank you, wendy. Gene, welcome you will have three minute and be followed by casey

monahan.

I doubt seriously that I'll take three minutes. But mayor and council, thank you for your service and all the time and effort that you devote to all these crazy things. But I'm here to talk about sweed hill. It is a very small neighborhood. It's very unique. It has very narrow streets. It's historic. The house that we own is historic on 14th street and it faces the park. It is close to i-35. It is close to the denny's restaurant, which is a mistake in my opinion. The majority of the owners and residents of the area don't want the change, don't want the precedent that change would bring. We want -- we understand that the city would like to promote the downtown area, would like to have the density. There's lots of good reasons for that, and we would like to have a better tax base. We just don't think that this is the way to go about it. And we don't want to change the neighborhood itself. It's neighborhood's best interest to do so, and we need to promote 12th street corridor more than areas like this. Thank you.

Mayor Wynn: Thank you, mr. chiles. Casey, welcome. Is andy roberts still here. roberts, you will have up to six minutes if you need it. Mayor. Just a couple of quick items. The petty representatives have met with our neighborhood at least eight times. And every time we've asked them if they would consider a less dense zoning or to build within an existing zoning. And every time they've refused. They've continually reposed the same project. Which kind of differs from what the applicant's representative said earlier. I wanted to underscore the fact that it was a unanimous planning commission vote. That rarely happens in my study of the planning commission. Even some of the most pro development members of the planning commission saw this case and saw it for what it was, which was something that's going to really threaten our neighborhood. I'm kind of new to the neighborhood. I've been there since 1980. I own two rent houses and my homestead is there as well. The neighborhood was platted in 1876. Roads cannot handle what they're proposing. It's not going to happen. And when you're dealing with the neighborhood that was platted in 1876. And the last thing that i wanted to mention is that not only do I own rent houses right across from these lots, one of which was 190, the other in 1899, boyer people, other absentee landowners who own property in the neighborhood are against this. Now, that's rare. Most people who own income-producing property, they want to make as much money as quickly as possible. And it's not the case on this one. That's why we have a valid petition that if you take txdot represents 50% of the owners in the area. And finally, it's really wrong for them to talk about sphwhrieff being there because -- to talk about interstate 35 being there because they will never gatti curb cut on 35. Txdot wouldn't grant. To show you a picture and show 35 there, it's like sarah palin talking back accuse. It's just flomplets so i appreciate your time very much. And -- I had to bring something up like that. [Laughter]

Mayor Wynn:. And also for the record john goldstone signed up not wishing to sne opposition. Council, that's all the folks who signed up wishing to give us testimony for or gebles the zoning case. With that we can welcome gardener back for a three-minute rebuttal. Or additional testimony. T we can begin deliberations. petty is a speculative landowner. He intiewt the biewft east austin 17 years ago. He's a retired cool teacher. His wife currently teaches and three-fourths of the time they're in germany. His ability to come to austin every month is difficult. He has left it to us to make that relationship with the neighborhood, which I think we have done. At every neighborhood meeting, probably without exception, we have presented proposals and we've said to them, if there are any additional conditional overlays,

any conditions as to -- any conditions that we haven't presented, any condition as to the number of units, let us know. I didn't receive one phone call, one e-mail, one request, but we kept coming back saying we think there's something that we can work out. And really listening to what they have to say tonight, i don't think it's very different than what we're asking. I'm sure they would beg to grawrltd they've indicated that they only want residential. We've indicated, although on the house we would prefer lo-bhawssments we think it's more viable. We're willing to do mf-4 on the entire three tracts. They don't want density. We've capped it at 20 units and trying to keep it affordable housing around the 200,000-dollar range. They're worried about access in the neighborhood. Wre presented to them a plan that would have ingress eat 16th street and they didn't see any issues with it. There is a win-win situation, we believe here. haigerman had talked about his tract. I think his tract is very similarly situated. And actually at -- I don't know if it was planning commission or city council, I will also quote mike clark madison via in fact daily. And the quote was, on that haigerman's tract who was requesting to go from n-4 to n-6, he said that community consensus for nfnlt 4 density at that location are higher. There was a recognized need. I think there's a recognized need here. I think we're trying to do something responsible on petty has owned it for a long time. He has a lot invested in it. He wants to keep the house and helps to maintain the residential character. I think in this case it's a prime example of where we have taken all the tools that the city has given us and all the ideas of what is a nice urban infill small development here and we've implemented that. And we've worked long and hard with the neighborhood and we would ask that city council recognize that and allow the development to occur here at a low density rate. I appreciate it.

Mayor Wynn:. Thank you. Questions for our agent, council? So that concludes the public hearing part of this combined zoning case, 92 and 93. Comments, quep? Questions? Motions? Councilmember leffingwell.

Leffingwell: Mayor, i think they've had a lot of time to try to work this out. Planning commission vote unanimous and so I'm going to move that we approve the planning commission's recommendation, which is to deny items 92 and 93.

Mayor Wynn: Motion by councilmember leffingwell, seconded councilmember morrison to deny zoning cases 92 and 93. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion to deny passes on a vote of six zero with councilmember martinez off the dais. Thank you all. Greg guernsey memorial oak hill neighborhood plan. [Laughter]

that sounds ominous. Item number 94 and 95 are dealing with oak hill. 94 Is np-2008-0025, the oak hill combined neighborhood plan. Item number 95 is c-14-2008-0125, the west oak hill combined neighborhood planning area rezonings. And I'm going to turn this over to maureen meredith and she will go through and present these cases, and i don't expect to be here until 4:00 in the morning. Probably a lot less. So with that I'll turn it over to maureen and let her present. Be.

I have just a very brief presentation that I'll just go through to refresh our memory as to what happened ON OCTOBER 23rd. [Laughter]

my snaim maureen mayor meredith, neighborhood planning department. Let's see if I can get this to work. This is agenda item 94 and 95, which is oak hill combined neighborhood plan and the west oak hill proposed rezonings. ON OCTOBER 23rd, COUNCIL Approved on second reading the uncontested oak hill plan, flum, west oak hill rezoning and east oak hill rezoning. Council postponed tracts v to december 11, 2008, and postponed the following tracts for discussion to today. The flum tracts ae, ai, aq, and au. And flum and zoning tracts 4 and ha, 3 and as and six in at. Staff recommends action taken on these flum and zoning cases be moved to the december 11th hearing, which is when the rest of the plan was postponed at the october 23rd hearing. The map that you have in front of you shows the tracts that will be discussed today. The green tracts are the contested flum tracts. It has no zoning case associated with it. And the orange tracts have contested flum and zoning tracts. Whenever the mayor and council would like, I can go ahead and start reading into the record or if you would like to ask staff questions or pause for a moment, I can do that.

Mayor Wynn: Why don't we at least for the record have everything read into the record so once the discussion starts we can see where it says. We'll open it up for dialogue.

I'll read into the record all the flum and zoning cases. First tract is au. 803-acre tract at the northwest corner of highway 290 west. The current zoning is lr. Its existing use is undeveloped. Planning commission recommendation was for neighborhood mixed use. Staff's recommendation was for neighborhood mixed use. Tract 3 na is a zoning and flum tract. It is the west portion of a 98-acre tract west of highway 290 west. The current zoning is dr. It is undeveloped. Planning commission recommendation was neighborhood mixed use for the land use. The zoning recommendation was for lr-n. Staff's recommendation for land use with neighborhood mixed use. Since the planning commission recommendation the agent for the property owner has requested that the lr zoning have mu added to it. Staff recommends that because the neighborhood mixed use land use is a recommendation so that would be compatible. So staff's recommendation, revised recommendation for zoning is lr-nvment mu-flafnlgt 4 and aj is the rear west portion of a 98-acre tract west of highway 290. Current zoning is dr. It is undeveloped. Planning commission recommendation was for single-family land use and sf-1 np zoning. Staff recommendation was for np land use. Tract aq is the rear east 803-acre tract behind the north part of tract au. Current zoning is lo. The existing use is undeveloped. Planning commission recommendation is for office land use. Staff's recommendation is for office land use. Tract ai is the -- is a 096-acre tract south and southeast of the intrs of thunderbird road and u.s. Highway 290 west. The current zoning is -- it doesn't have current zoning. It's in the county with an improved site plan for residential subdivision. The planning commission recommendation is for large lot rural single-family land use. Staff's recommendation is for large lot rural single-family land use. Tract 6 and at, the address is 7912 u.s. highway 290. The current zoning is rr the land use is currently comernl. Planning commission recommendation is for major plan development. The planning commission zoning recommendation was forrvment-np. Staff's recommendation was for mixed use land use and for grvment-n zoning. Freaskt ae, the addresses 6810 he bect. 6810 Beckett. And 6807 ridge oaks road. The properties are currently zoned rural residential. The land use is single-family. Planning commission recommendation was for large lot rural single-family land use and staff's recommendation was for lot large single-family land use. That concludes the reading of the tracts into the record.

Mayor Wynn: Thank you. Again, you all have a recommended motion sheet here, obviously.

Yes, sir.

Mayor Wynn: So -- actually, I have a question. We haven't conducted the public hearings on these tracts, have we?

Neevmentz will be for first reading. Mayor I was afraid of that. [Laughter] 0>

we'll now duct our public conduct our public hearing unless there are questions of staff. We'll now get testimony from folks who are involved in these tracts specifically, i guess. We've got a number of folks signed up wishing to speak, about an hour's worth of testimony. We'll take these in order if everybody is fierchlt's speaker is laura faulk. Welcome, laura. Is carla nirl the room? You will have up to six minutes need and you will be followed by foan joan foster.

Thank you, mayor, council. My name is laura faulk. I live in beckett estates and that is the ae neighborhood. Can we have the map?

Mayor Wynn: Wech one here, but might help if we have one in the overhead for folks to see the visual.

I am here with a petition that you got two week ago in your material. You have copies. From residents and property owners in the beckett estates neighborhood and i represent 32 out of 45 property owners to say that we support the staff recommendation and the planning commission's recommendation to keep our neighborhood residential. We have a very unique neighborhood. We are an established neighborhood of over 50 years with established deed restrictions. Our neighborhood was built over 50 years ago and everything grew around it, but you turn down reynolds road or west bee road and you feel like you're out in the country again. You all have heard what oak hill residents want to keep through the last two months of speaking up here through surveys, through questionnaires. We have exactly what oak hill residents want to keep and love about their neighborhood. We have the large prots lots, the country feel, the green space, the nature and the wildlife. Six of our residences are established wildlife sanctuaries, and like city hall now is, a lot of other ones could be if they just would apply. We meet and exceed sos requirements already natural. What is sphwroangd approximately one fourth of our neighborhood to allow commercial development. We feel like this this would negatively affect our neighborhood. We're concerned about the domino effect definitely and we feel like this is commercial development encoaching into an already established, well established neighborhood. Staff is opposed to commercial development. Planning commission is opposed to commercial development. Ohan is opposed to the commercial development. I have here a resolution by the western oaks property owners association board who is opposed to commercial development. And I also have a petition from the cottage courts condominiums, which are at 6801 beckett road right on the other side of beckett from us, with 29 signatures who are opposed. We don't feel that this is in the best interest of our area and we don't feel like it's in the introaflt best interest of oak hill overall. There are fewer and fewer areas left in oak hill. Please help keep our neighborhood unique. Thank you.

Mayor Wynn: Thank you. Joan foster, welcome, joan. Let's see, is patrick miller here? Hello. How bill (indiscernible)? Welcome. You will have up to nine minutes if you need it.

Thank you. We enjoy living in beckett estates at 5711 reynolds road. 78-acre tract is less than two miles of travel from our business, foster family dentist try on highway 290 west. Beckett estates has easy access to shopping, smestlesds, schools, churches and entertainment. The large lots afford a quiet, laid back neighborhood that is unique. On our tract we have enjoyed watching foxes, bear kids under our barn, the owls hoot at night, deer in our backyard and many migrating tboirdz come to our greerkders. The large lot are go our large dogs without disturbing the neighbors. We have invested thousands of ward off the spread of oak wilt into the many grand oaks on our property. So move from 5711 reynolds road and try to replace what we have would be next to impossible without moving considerably far out of the city limits and away from the conveniences that we are accustomed to be close to, including our own business. Our property, our home of 17 years is located on the southside of reynolds road, however this 5711 reynolds road address does not front william cannon. We, michael and joan foster, strongly oppose the rezoning or the contested flum of the listed properties by agent ron thrower and on behalf of judy grimes, lloyd simmons, john roach and (indiscernible) blaing. Basic zoning change request is blaisk tboir property owners. Their stance is noise and traffic along william cannon restricts their quality of life. The truth is, william and judy grienltz k of the property involved with the rezoning request with four properties. They bought the additional spearlz of land within the last 10 years for investment purposes. They have lived in their home 14 years. Close to retirement they have personally told me that their intent is to sell commercial and in turn retire in east texas. They have no interest in the neighborhood as a whole. The misleading zoning application by the city lists joan roach and valerie blaing as if they are two separate landowners properties. Indeed they own one property, 5601 reynolds road. blaing wants to keep her home in addition to building a private massage therapy business on her tract. Beckett estates covenants have been strictly single-family and rural residential, not allowing business activity in the neighborhood. I don't feel that a single massage therapist is going to have the ability to build up to a 15,000 square foot building with retention ponds. This does not have any business sense other than to to sell for profit. Lloyd burke owns a tract along william cannon. Lloyd moved from this william cannon tract just last year to the adjoining lot on the corner of ridge oak and reynolds road where they just finished remodeling the late davis home. They're elderly and want to sell the frot a larn profit. Jewel simmons on beckett is he willerly and in poor and wishes to sell. There are nice neighborhoods in the immediate area that are directly on william cannon. And I have some pictures. These pictures show -- this picture is just down william cannon just a little bit further and it shows that there are happily residential homes living right on william cannon and when you look next map, this is our neighborhood. And most of the buildings that you see that are right on william cannon are either work barnes. The main residences are on the reynolds road with entrance from reynolds road. They are not anywhere in any means close to william cannon like the successful housing development down the road. Grimes, burke, brinkman and simmons have not done much restoration on their existing homes, nor have they developed the vacant tracts because they do not intend to live there permanently. It is ludicrous to des crate lots on a one city brooks a whole with two extremes. The single-family rural residential and commercial. The imlairvegd home at 5711 backs up to the burke property on william cannon. The depth of our property is between 2 23w50eu67bd 90 feet. The burke property behind is

almost complaint the same depth. And I gave y'all all a plot map and you can see where my property backs up to their property. Their property is not wide enough to support a commercial building up to 15,000 square feet with parking and retention ponds. The mixed use proposed intent allows for commercial three-story building with possibly condos on top. This is an invasion of privacy, security and noise to our home. There is no sufficient buffer possible for us to maintain our property value, let alone the neighbors across the street on the northside of Reynolds Road. Grimes pro claims that Beckett Estates is not attractive to a residential developer building new homes in our neighborhood. To the contrary, Patrick Miller at 5718 Reynolds Road and Bill Ruth, 5712 Reynolds Road, right across the street from me, have built beautiful new high dollar homes within the last three years. Many homeowners such as myself have remodeled and updated their homes as we enjoy the rural relaxed neighborhood and existing wildlife that holds on dearly. The owner of the lot across from the Burkes on Reynolds and Ridge Oak, their name -- her name is (indiscernible). She lives in Corpus Christi and she has recently said that she wants to plan to build a new home. Restrictive covenants that are written into zoning are not typically respected in commercial development and would be a direct threat to the neighborhood of Beckett Estates. For example, the Children's Court is a mixed use commercial property recently built on the corner of William Cannon and Ridge Oak Road. When they built this, they disregarded agreements stand in 1986. They failed to maintain the 25-foot naturally vegetative set back. They failed to cul-de-sac at termination of Ridge Oak Road and William Cannon and the Children's Courtyard has recently been parking up to six buses on our residential street of Ridge Oak. September 6, 2008, our homeowners and Beckett Estates, including Grimes, met with development project on the west side of Ridge Oak. The developer that propose professional office parks agreed to maintain a natural 25-foot vegetation buffer and replant areas to provide screening and preserve the character of our neighborhood. The woods were clear-cut and the massive retention ponds were begun. The developer ran into financial difficulties and for two years now Beckett Estates has unfinished retention ponds and total destruction. And I gave y'all pictures of that. This is what we see everyday when we drive home. With the current economy, this disruptive eyesore and environmental travesty may remain for another 10 years before someone takes it over. Our neighborhood suffers -- our entire neighborhood suffers this loss. With no developer approved plans there is no limit to how many restrictive covenants or overlays attached to something that can be broken in years to come. As an active member of the Oak Hill Business and Professional Association, I'm aware that with this growing community in Southwest Austin there is adequate commercial property and space available in the future land use plan. Currently there are vacancies in office parks, strip centers in Oak Hill as the small business owners struggles to meet high rents on retail space. Especially with the PUD proposals, there is new opportunity much greater than sacrificing our homes along William Cannon and C&E Estates. In summary there is no reason to change a partial city block zoning from residential single-family rural to mixed use for commercial purposes. The zoning change is detrimental to other homeowners in the neighborhood. Our property at 5718 Reynolds Road is at the most risk since our property borders a shallow piece of property with commercial intent. As a business owner in Oak Hill, I understand the ramifications and complexities of running a professional business. Reynolds Road is not the for this. Complees what little space remains in the Southwest Austin community. It's refreshing to all to have a little country in the city. Many were sad at the old farm and Barnt Sunset Valley passed to become a shopping center. Thank you.

Mayor Wynn: Next speaker ted miller. Welcome. You will have three minutes, to be followed by patricia forte.

I want to say thank you for giving the time to listen to the arguments for and against these different issues. And it may come to your mind while you're listening that, boy, our neighborhoods -- our neighborhood is really opposed to growth? And I for one would like to maybe dispel that perception because and I hope you will forgive me. It sounds like you're giving this background, but in reality it's the grievance of the organization in beckett estates neighborhood. As was indicated, our neighborhood was platted first in 1955. As austin crept closer and closer and as my family moved in to the neighborhood in 1977, we became aware of the really extreme difficulty that we were having getting into interior austin and north austin. So mobility became a major issue with us. Our neighborhood, the beckett estates association, joined hands in hand with the western oaks neighborhood associations and we formed an association called the association for planned and directed development. We knew that if we didn't do something and do it quickly, we would all be gridlocked in south austin. From that -- and by the way, the association for planned and directed development was a precursor to the oak hill associations of neighborhoods because we pulled together 36 neighborhoods to neighborhood. And in that mobility plan, mopac was its backbone. There was some very interesting sometimes in trying to get mopac passed. And I remember in one council meeting we had a large aerial photo that showed most of south austin from 290 south to where slaughter lane is at the present time. The late councilmember sally shipman looked at that map and turned to the staff and said, my god. And I'm paraphrasing, of course. I can't really remember, it's been so long ago. But she said my goodness, would you look at the development. And she turned to staff and asked, do we have listings of all the developments that have been applied for, that are in process and are being put on the ground and at that time we didn't have the convenience of computers that we have now. And the staff said no, we really don't. So we anticipated some of the issues that were going to up. And as a neighborhood we said we want to grow, but we want to grow in a responsible manner. And if we could take this map that I've put up here in front of you, you will see on the lower side of it a lot of sf-2 and over on to the lower right sf-2. If we could zoom out for a moment and look at the oak hill plan that we're talking about, you would see a tremendous amount of single-family residential. And if we could further zoom out and go from brodie lane to slaughter lane south 1826 back up to 290 and then back over to brodie lane, you would see an enormous amount and I think that's really one of the real disadvantages you have is that you're trying to look at a microcosm of what's going on without looking at the big picture of what's already there. So -- and again, mobility has substantial issue and there are going to be some real significant problems even with mopac as it is. But for 53 years this neighborhood has tried to plan for and adapt to a growth that we saw was coming. As you see in the upper half you see the lo. We negotiated with the developer to try to get the best development that we could. [Buzzer sounds] we talked about the 25-foot naturally vegetative buffer that has never occurred yet. On your lower are right you see the north or the cottage court, I believe they call it, that we negotiated with. So we're not opposed to development, but when it encroaches upon our neighborhood, then it bothers us. For 53 years we have opposed commercial development within our neighborhood and have been successful. At this point in time, and I'll just -- I'll sum up right here.

Mayor Wynn: Thank you.

The issue of noise that has been brought up from William Cannon, there are two factors you need to be aware of. One, there has been no application or willingness -- or opportunity to work with the city for noise attenuation structures, ie, fences. And further -- and I have talked with the city engineer about this. When the overlay was done on Mopac they used rough aggregate. And I said, my god, the noise has tripled since we eliminated the smooth surface of asphalt. And I was told by the city engineer, well, there's a reason for that. It lasts just about twice as long. And yet we have to suffer through the noise situation. And it is a situation that we need to address.

Mayor Wynn: Complereksz Miller. Time has long since expired.

Thank you very much. Mayor Naimplet the next speaker is Patricia Boardy. Is fa? How about Mr. O'ghan you Mr. Hogan.

Thank you all for hanging in. This has been a long, strange trip we've all been on. I've sphwhrofnd this Oak Hill planning since the beginning. Not at every single meeting, but it's been about three years, almost four. I was there at the planning commission meeting on July eighth and I was twice there before when I saw our neighborhood would remain designated as rural residential. Then I came to the meeting and one of the neighbors on the William Cannon side decided that had they didn't want that. So now we're back here again. We respectfully agreed to the postponement to today of this final discussion of the first reading of the flum. I have done more studying and more reading and more learning intoang, about neighborhood planning than I ever thought I would. I have written more letters, sent more details, done more research than I ever thought I would tbh this. And I would gladly do it all over again. I am groingt from the point of view of the flum. What it was designated as was rural residential. On page 7 of the city of Austin neighborhood planning publication, guide to land use standards, it states that the zoning is only one policy option. Planning and other land use policies ensure the consideration of the entire community interest. We are the community. I want to point out these are all the neighbors are here with me in opposition over here to the right. Y'all can raise your hands. It's very important to most of us. Stint recognizes that the future land use map should meet the objectives of the plan and the neighborhood. Large lot single-family is the home of my neighbor Laura Faulk over there. So we may be the poster child neighborhood for large lot rural residential for the city of Austin. We have sat at the table, we've been involved in the planning of the entire Oak Hill neighborhood. And I've listened to y'all and I've listened to the Ohan folks and I've listen bed to neighbors. We are glielgtd, a balance of commercial and a residential. Our neighborhood changing any part of our neighborhood is not going to give you the balance that you need. I would advocate that our neighborhood actually helps you maintain snaf value, that rural residential, that impervious, that over the watershed green space. The stuff that we need, the stuff that I heard you talk about that fits not just Oak Hill, but the entire city of Austin. We live in a very viable residential neighborhood as Joan indicated. New homes have been built. Extremely expensive now homes that people have moved snriengd forever. Our oldest resident is about 98 or 99, ms. renoldz. Our youngest resident was born I think on July 31st and is three months old. That resident lives on one house and backs up to his grandparent's house. The land use plank principles that the city has put out in this same document indicates that planning and the flum in particular should ensure that a decision is not made that will create arbitrary development patterns. It also discourages intense uses within or adjacent to residential areas. Splitting that tract off of our neighborhood encourages that

intense kind of use. It encourages minimal development of floodplains and environmentally sensitive areas. Another land use principle says that city of austin should ensure adequate transition between adjacent land uses and development intensities. We should avoid creating an undesirable precedent and that is the strongest point that I need to make. Pulling out this tract is creating an undesirable precedent. At the planning commission meeting maureen mayor stood up and said that it is not typical to split apart one little portion of a tract that has been a total tract on the city planning map for many, many years as ted said. It was not typical to discourage the other neighbors from getting their postponement. We would like that same respect. And also, the last one that I will like to mention is that this planning principle calls for a tripartite rights with community interests and goals. The small portion of property owners on william cannon may argue that their property rights are being violated. If they -- that part of our tract is rezoned, then my property rights are being violated. We have everything we need commercially. I could walk to walgreen's. I could walk to my kid's orthodontic activity, I could work to my dentist. I could walk to a coffee shop. There's a gym that maybe i could walk half a mile. There are probably seven restaurants within while. And ohan is advocating this master plan kind of development. If you can keep our neighborhood residential, you would have more ability to build up that master plan development around the y, which is where it should be. [One moment, please, for change in captioners]

thank you. thank you, patricia. Let's see, tom anderson is our next speaker. Okay. Well, you are -- you are currying favor. [Laughter] blatant attempt to curry favor. anderson -- and technically technically regina anderson and leslie harvey minny was going to donate time to tom so we'll show all of those folks in favor of previous testimony we've heard. Our next speaker then would be dwain rogers. Welcome, mr. rogers. You'll have three minutes to go followed by ron thrower.

Good evening, mayor, council members. Thanks for sticking with us as so many have said, through this whole neighborhood planning process. I just want to be very brief. You've already heard from some of the folks, and it is correct, I wanted to emphasize that ohan and two of its neighborhoods, beckett states and western oaks are in favor of the recommendation of both city staff and planning commission that this remain rural residential and in opposition to the proposed land use change and zoning case. Very simply to me, the number one reason or rationale for that position is it's easy to look at this property and say, well, gosh, it fronts william cannon. That's a big road. But I think the key is that the property that's being -- or attempted to be rezoned and changed land use is within the boundaries of a 50 plus-year-old rural residential deed restricted residential neighborhood, and so you're talking about going inside the boundaries of a neighborhood and pulling out part of that existing neighborhood and declaring that commercial, and the way I look at this, I live on a street called mesa grande, and it turns into another street called sautell which fronts on escarpment. And I can only imagine how i would feel if the row of houses along sautell was pulled out of my neighborhood and put into something commercial. As many have said ohan is very much in favor of a balance. We are not opposed to everything, quite the contrary, many times we are in favor of bringing the commercial and retail services that our area frankly needs. But in this case it seems to me that you're taking an existing deed restricted platted neighborhood that's been around for 50 years and basically tearing it apart and creating commercial where it was always intended to remain a residential property. So I'll close on that and keep it brief, but I think that's the important factor and again ohan is here to support our member neighborhoods. I'll take any questions. thank you, duane. rogers, council? Thank you, duane. -- Duane.welcome, mr. thrower. A number of

folks signed up wishing to give time to you. Is ms. burt there? How about lloyd burt? Welcome, and william griems. thrower, you'll have up to 12 minutes if you need it, and you'll be followed by judith grimes.

Mayor, mayor pro tem, council members, ron thrower, representing the property owners with property fronting on william canon. I'm not going to talk about the tenure of the three landowners of our area that have been there for 50 years. I'm not going to talk sympathy -- about sympathy, jewel simmons who put away \$1,500 a month only to have william canon come through. Back before william canon existed there is no doubt this was a rural residential area. Now william canon has come through. It's a 6 lane major roadway. We're talking rural residential, on the six-lane major roadway. William canon is the only six lane roadway other than ben white boulevard that is west of brodie lane. We're talking about neighborhood mixed use that's in the areas along william canon that are existing commercial developments today, gas, convenience, retail and office. We're talking another area on the north side where it's primarily medical office but there is a day care, and we're talk about a neighborhood mixed use which is currently multifamily duplexes that are only three years old. So we have a neighborhood mixed use designation on a property that's going to be that way for likely another 37 years as duplexes. And then we got a church at a non-signalized intersection listed as neighborhood mixed use, and then another thing that I'd like to point out is mixed use that's being proposed as part of the oak hill plan WHICH IS LOCATED on McCar ti line which is existing multifamily but designated at mixed use which doesn't make sense. Especially because the McCARTY LAND IS ONLY 40 Feet way. Another thing is the 40 feet office mixed use land. You've got office mixed use across the street on william canon wheres primarily developed. There is a couple vacant tracts in the area and then you've got a little bit of office mixed use which you've heard about which is on ridge oaks drive, which is 16 feet of pavement. Granted, that property takes access throughout -- all the way out to william canon which is very similar to our proposal that we're proposing for this site. So again, we're talking rural residential on a major six-lane arterial, which has never ever been proposed before in the city of austin as part of the neighborhood planning process. I want to talk about the corridor of william canon. I've already described the size of it. It's six-lane, handles 37,000 cars a day. Now it's designed to handle 60,000 cars a day, and it is currently developed with sidewalks. We have crosswalks at the intersection of beckett and william canon, and we have a traffic signal at the intersection of beckett and william canon. Both william canon and beckett to the south are in the roadway plan. And when you think about south austin and you think about other roadways in south austin, what comes to mind? If somebody says list the east-west major corridors of south austin they're going to talk about ben white, obviously the first one, they're going to talk about slaughter, they're going to talk about william canon. Again, william canon is the only six-lane major roadway west of brodie lane. Upon redevelopment of the property it would be sos complying property. Currently it's 25% allowable and not sos compliant property. Under sos we're talking 15% impervious coverage. What this plan shows is a small parking area, small building area, and actually the -- a large portion of the area that is shown primarily in the blue colors is water quality ponds and irrigation area, which is required for the non-degradation. And if you look at this property in context to the other commercial mixed uses that basically abut it, then this is not as impacting as I think the neighborhood is asserting it to be. There's a great opportunity to discuss buffer in the back, the depth of the buffer, the size of the buffer, the additional vegetations that can remain in in the buffer. One

thing that became evident to us very early on is that when we get into talking about trying to convert this residential area to a possible commercial area, we need to get into more finite details, which are tied more directly into zoning. You can't do conditional overlays as part of a future land use map. We had meetings -- meeting monday night with the beckett estates neighborhood and we're appreciative that they were able to meet with us on short notice, but there are issues that came up that they were concerned about, which are height, building mass, access, location, buffer and uses. And there was a few others as well. The uses of the property, yes, we did apply for Ir. I think only maybe three Ir uses would be appropriate for the area. Service stations are not one of them. FAST FOOD, McDONALD'S IS Not one of them. The retail uses that we'd be looking at would be personal services, personal improvement services and perhaps a very small restaurant. We're talking 16 acres of land here and maybe even looking at limiting resta uses to 1500 square feet. The access, we can have sole commercial access to william canon and not have any commercial access to reynolds road. That would be again something that is tied down more directly with the zoning and cannot be tied down with the flum alone. And to wrap up, I just want to point out again that we're talking about william canon. Here it is a six-lane roadway. I recollect that reynolds road, beckett estates is behind here. We're talking about william canon that was put in after beckett estates existed, and we're talking about the situation where, as I said earlier, you've got rural residential land prior to william canon coming in there, no doubt about that, but william canon changed the character of the land in the area. I also want to point out that we did seek signatures of people that live, work, own property within the area, and I believe I handed you a list of almost 80 signatures of, again, people that live, work or own property within a half mile of this site. They recognize neighborhood mixed use has great opportunities to enliven the area, great pedestrian opportunities to serve a lot of the residents of the area, and I'm available if you have any questions. thank you, mr. thrower. Questions for mr. thrower? Thank you sir. Our next speaker is ms. grimes. Welcome. You'll have three minute, to be followed by richard subtle.

Hello. The families of tract ae stand before you requesting a change in the future land use map to neighborhood mixed use. Our request is based on all prevailing rules, standards, policies, statutes and best management practices of development in use at this time by the city of austin. Because of the time constraints, a quick meeting was set for monday to meet with neighbors. Walking house to house with invitations in hand for everyone in beckett estates, I was shocked to find out that meetings were held with us as the only six landowners not invited. We were unable to put forth our plans of what we wanted to do to protect our neighbors. As I went to each person and gave them an invitation to be able to come quickly to see ron, it was just a day notice, when I explained what we were interested in, small medical, something like that, that fits into a neighborhood, every one of them said that's not what we were told. Every one of them. And I said, I can't bring you all the information today, but give me the time and we'll show you what we really want to do for our neighbors. Holding one quick meeting we threw together with a day's notice with ten people out of beckett estates able to come on that short of notice -- we couldn't really produce to all of our neighbors what we wanted to do. The zoning process gives us ample time to work through the issues based on truth and not misinformation now being put forth, plus give us the opportunity not only to talk to beckett estates but cottage. Several of those signatures will be signatures that have voted against this but once they saw our plan changed to support us. The facts of our case are based on every principle held by this council. The concept of no growth or changes in the

fastest growing area of austin is unrealistic. We are simply asking for relief from the effects of a dynamic, vibrant and growing community. As it stands today the -- our homes as available property diminishes as traffic increases. We're having to forfeit our homesteads to the neighbors on the inside, and that's what we do because all the people that are happy don't live on william canon. I have held to my basic principles knowing that my city has in place every overlay of development to protect my neighbors. We are not turning our backs on our neighbors. We are requesting time to work with them, to give us relief and protect them. In the last month over and over, and friends tell me that my request, such as ours that you make for me, are based on politics, and i don't believe that. I'm going to finish one thing. Three of the landowners on william canon founded oak hill. They didn't move there 20 years ago. They moved there 50 years ago. They haven't changed their homes. 54 Years changed their homes. I'm asking you for relief for where these three owners, with two of them here tonight. You say to request this again in 14 months but don't be cavalier. Five of our owners are between the age of 73 and 82, and I think some of you -- I look at your faces and you-all look so young to me. [Laughter] 14 months is a blink of an eye, but for these they're not. 14 Months is not a blink of an eye. Sometimes it can be a lifetime. Please look at what I just handed you. We meet every criteria, every criteria, the city has put forth for change. Thank you. thank you, ms. grimes. Our next speaker is richard subtle. richard, and is rois ricky here? Welcome, rois. Richard, you'll have up to six minutes if you need it followed by sandra bald ridge.

Thank you. I'm richard subtle. I'm here on behalf of three different owners tonight so I'll try to speak quickly and try to get rid of them quick. On tracts 3 as, au, aq -- excuse me -- and 4 aj, those are the ones out at the end of 290, we're in agreement with the staff recommendation on that. I would ask that you consider on tract aq, which is recommended for straight office, and it's zoned office now -- I would ask that you consider adding the mu there because of its proximity to houses in the area. It would give the opportunity to maybe do some live-work or some sort of mixed use area. It's already zoned office. It would give us an opportunity to add residential because there's residential right on the corner there of aq. On tract -- and so that -- we're okay. It's not a contested case now as long as it's staff recommendation. On tract 6 at, which is commonly known as the speedy stop, speedy stop is right there at the entryway of a large master planned area that's coming up, I think a pud zoning case has been filed, and what we'd ask for you to do on that one tonight is indefinitely postpone it, knowing that an indefinite postponement would have to have renotification. The owner is willing to pay the renotification fee to all the owners within 500 feet of that when it comes up, and the reason for postponement is so that it can catch up with the master planning area of what's going on around it. And then finally, tract ai, which is at the end of 290 on the left-hand side of your map there, that's an interesting tract because that's not even in the city. The flum -- it's kind of interesting why it's even in the flum. What's more interesting is that the recommendation here for this tract that's not even in the city is not even consistent with the way it's platted, so there's lots of different issues with this, and if you gave my client the option, I think he'd just as soon be out of the flum and work with you in the future on that land use. In the alternative, because of its location on 290, we would ask that you consider the same thing that's being considered across the street, and that is neighborhood mixed use. In talking to the neighbors, and we have not found anybody that objects so far, in talking to the neighbors the idea is break 290 up so we don't strip it out and i would recommend to you that the property owner would agree to a public restrictive covenant, if you did naibtd mixed usage october tra tract, if it were not residential use the

platted way it is now, that they would enter into a covenant encumbering this with the hill country roadway standards so that you would have a buffer and have a way to where you wouldn't have this stripped out. And we've talked to several people within the neighborhood and that is an interesting idea. It is something that you can't do today by zoning but we could do with you by restrictive covenant, a public restrictive covenant. We would either be asked that it be taken out of the flum or in the alternative at least flum it to where it's platted now but I think it would be more benefit to do neighborhood mixed use and work on set backs and work on hill country roadway. So with that I'll sit down and give you your time back. Thank you. I'd be happy to answer any questions you might have on these. Thank you, Mr. Subtle. Any questions you have for Richard, Council? Thank you, Richard. Let's see. So I think our final speaker is going to be Sandra Bald Baldridge. Sandy, see you back there?

Mayor, Council members, I would say good evening but it appears it's good night. I am going to talk about several of the tracts that are on consideration tonight. As to the Beckett Estates case, we had a motion at the OHAN meeting in September to take this up and support the neighborhood. I realize the minutes didn't come across exactly that way, but we will amend those minutes and it will reflect total support of the neighborhood on that case. Secondly, as far as AE is concerned, one of the major things that OHAN has projected in the neighborhood plan is that we minimize curb cuts. It's not just curb cuts on 290. It's curb cuts on major arterials where accidents happen frequently with people pulling in and out of traffic. It is a 45-mile an hour speed limit. It may even increase based on the way we set speed limits in the city of Austin. So in response to the neighborhood, curb cuts are going to be a major bone of contention with this case. With the speedy stop at A and 6, we humbly request that this be included in the master plan development. The owner has agreed to go along with that, and I know that there are still some problems with that concept of the hold, but we would like to add this property into that. The property labeled AI, in original discussions with the neighborhood task force, which developed the alternative flum that went to planning commission, the frontage along AI and 290 was originally set to be neighborhood mixed use or possibly light office so that all of the homeowners behind there did not have to cross highway 290 to go get a gallon of milk. We have got to allow some frontage along 290 on that AI tract so that we have some basic services. Otherwise, if we're looking at reducing vehicle miles traveled, we are contradicting that proposal by adding vehicles miles traveled because people have to go all the way to the Y to get a gallon of milk. So I give you back your time. Thank you very much and good night. Thank you, Sandy. Council, I believe that's all the folks who signed up wishing to give us testimony on -- at least on item no. 94. There's a handful of folks for 95 at Oak Hill West. So questions? Comments? We have our motion sheet in front of us. There are --

I had one question. Yes, Council member Martinez. I just had one question that maybe Thomas can answer because it's really a legal question. The question I have is, have we ever flumed anything that's not within the city limits of Austin? And if so, is it legal to flum something that's not even within the city limits of Austin?

The plan would take in the city limits and the ETG and our neighborhood plan flow from our comprehensive plan. Yes, I believe we can do a future land use map map beyond our city limits and you'll probably have a lot more opportunity to deal with that in the next two years when we bring back the next comprehensive plan. I'm not sure if we've actually done it before, but I know that there was

request that was made by the neighborhood that were south 290 and west of camp ben McCULLOCK OR 286, TO Actually be included in this process many years ago and asking to participate in that because they realized, I think, that we were annexing in, bringing the tracts that were down there by 1826, the h.e.b. parcels. We had brought in circle c and in -- in '97 and zoned those areas. And so there was a lot of growth in austin going out that way. And when I think council member dunkerley had first introduced this concept to council, we were approached by those neighbors that were south and west of that intersection, asking to be part of the oak hill process.

Council member, we, of course, cannot zone these areas, but as part of our planning tools for the future, there is no problem with considering what we might want to do with these when they are annexed into the city.

Thanks, ms. thomas. So let me ask a follow-up question, then. On tract ae, if we have right across -- directly north of this property, across highway 290, we have a neighborhood mixed use buffer and then of course single-family residential behind it, what is -- what was the logic behind zoning this entire tract - or fluming this entire tract, I'm sorry, rural residential when it abuts highway 290 and right across the street is neighborhood mixed use.

That's william canon tract ae?

I'm on tract ai.

I thought you said ae. For tract ai, we recommended large lot rural residential because it was our understanding that syntax had approved at that time a single-family development site plan that was a conservation site plan, and it had a lot of open space. Even though it had smallish lots they were still large, large type lots. So it seemed like the large lot rural residential was compatible with the site plan that they had just had approved.

And in their site plan did the residential lots go all the way up to highway 290?

I'm trying to remember. It's been a while since i looked at it. That may have been more of the open space, because i think they may have -- richard could probably correct me if I'm wrong. I'm trying to remember if maybe that was more of the open space to provide a buffer to the houses from the highway, but there was no commercial in their site plan. It was something like 192 single-family homes.

Do we know what the txdot right-of-way setback is on that tract?

As far as I know, our current gis database shows the existing txdot right-of-way that's been purchased and acquired so far. So I don't know in the future if they plan on taking more of the right-of-way along 290. I'm not sure if greg knows the answer to that at all, from campo or garner, but as far as I know.

Thanks. Thanks, mayor.

Mayor wynn: you bet. Actually, and council members, just looking at this, the other folks on our 95, everybody there has also given us testimony except for jill young, so I just wanted to make sure -- young, would you like to give us some testimony? Since you're the only one on 95, might as well get all the testimony for the neighborhood plan out now and we can perhaps do a better job w dialogue. Welcome. You also will have three minutes.

Hello. My name is jill young, and i own lots 1, 10 and 11 of rockwood subdivision, located at 9704, 9600 and 9528 circle drive. I've given a map there. I am -- I have owned and operated cedars montessori school at 3794 for 34 years since 1974. We would like to expand our school and need to change the zoning on these lots from rr to lo or no. This would look for expansion into elementary which is greatly needed in our area. I realize that I am late in making this request for rezoning, that I did come to the october 23 meeting and was here for five and a half hours. I apologize for interjecting this in this particular format, but it is relevant to an extent. The [indiscernible] indicates that the staff greets that our lots should be considered for lo or no classification. Therefore, would you please initiate the process for rezoning our rr lots to no or lo. Thank you very much for your time. thank you, ms. young. Well, so staff, just help us confirm that the future land use map shows no or lo-type use, then perhaps staff young over the foreseeable future of understanding how she would go about getting that zoning changed.

Yes, I can confirm that the future land use map does show neighborhood mixed use on their two lots. They did contact me shortly before, I believe one of the last hearings, saying that they wanted to be rezoned. They're not being proposed to be rezoned by staff because they have permanent zoning and we were primarily only rezoning what had interim zoning when they were annexed into the city. We told them their options were to file a separate case on their own, paying the fee and getting their own application submitted through intake or they could come to council and request that city council initiate a zoning case on their behalf, in which case it would get a new zoning case number and go back to planning commission and go through the process. And that's why she's here today. and then remind me sort of the technicalities from a timing standpoint. Once we complete the neighborhood plan here, you know, sooner rather than later, I hope, both the land use map and, you know, a bunch of corresponding rezonings, does that then trigger sort of the moratorium on zoning cases within the entire neighborhood plan?

If the zoning is compatible with the future flum, there's only one year holding period. It's only if the proposed zoning what change the proposed zoning of the flum. You have one year from the date the plan is approved and they'd have to wait till february the following year before that one month open period unless of course it meets the other exceptions.

Mayor wynn: right. Okay. Then so -- then proposed before we finish this process over the next couple of meetings, some of us can figure out how -- just seems to me if we're all in agreement of the future land use map and here's a property owner that is prepared to try to rezone her property to be compliant with the flum, we should in some form or fashion make that easier rather than more difficult. Thank you, ms. young. So, council, I believe that's now all of the public testimony regarding the two big pieces of our oak hill combined neighborhood plan. Further questions of staff? Comments? Council member shade makes a motion, seconded by council member morrison, that we wave council rules to go past 10:00

p.m. All in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. [Laughter] again, questions, comments of staff or if somebody wants to start walking through the motion sheet?

I could do that or -- since we've read it into the record, I think the last time someone made an initial motion and made amendments to that, but I believe we can make the motion. actually, we only have seven of them, right?

Council, you could go through and just take each one and make a motion. We've already read them into the record officially, so i think we're fine. walk through the motion sheet, council, then, without objection, in sequence, starting with au? How about a main motion and a second to just -- you know, choose one, planning commission or staff recommendation for everything, frankly, and then if anybody would like to attempt to change any of those, we'll take those as motions to amend. mayor, assuming I'll be able to change my motion later, I'd like to move that the main motion on first reading, the planning commission recommendations for all of the tracts. main motion by council member morrison that I'll second to adopt on first reading only, close the public hearing, adopt on first reading only planning commission recommendation on all of our seven contested tracts. with the exception of one, right off the bat, I want to make the motion that we postpone the 6, the speedy stop food store,, that we postpone the zoning case indefinitely with the understanding that the owner will pay renotification. I agree with that as the second. So again, we have motion and a second on the table. Our main motion will be indefinitely postponing 6 and at on our second page. Otherwise, approving planning commission recommendation on the remaining six tracts. So I'll now entertain motions to amend our main motion. council member martinez? I want to go back again to tract ae. I think -- ai, I'm sorry. top of the second page?

Martinez: yes, sir. I just think that, you know, this is on a major highway, and to think that it's going to be rural residential all the way up to the highway doesn't seem to make very much sense. And I think if this tract is developed by syntex homes, i have no reason to believe that they would build single-family all the way up to the highway and that they would probably incorporate some type of neighborhood mixed use transitioning into sf. So I'd like to try to create some sort of buffer zone that's comparable to the neighborhood mixed use across -- that's being proposed by staff across the street, and I'm not sure what that distance is. Do you know?

Richard, do you have a [inaudible]

council member, without the plat I'd be making it up. I think between this reading and next reading we could certainly find out what those distances are. We could also find out what the right-of-way requirements are going to be, because I think you're going to have right-of-way, buffer, hill country if we choose to do that, and we'll have those distances between now and second reading. then let's -- staff, if you could just bring back that information for second reading and then we'll make -- potentially make some amendments then. again, any additional motions to amend our main motion? I'd like to amend my

motion. you may, council member. on aq, the planning commission recommendation is office land use, and I'm a little bit uncomfortable with this because this is the property that goes in between -- it's sandwiched in between 290 and then the residential, and the reason I'm uncomfortable with it is because office land use allows pretty intense office. It allows all the way up to go as well as no and lo. So I'd like to make a friendly amendment to my motion. [Laughter] [inaudible] [laughter] if that's allowed. it's allowed, yes. to change the planning -- to change the land use to neighborhood commercial, which ratchets it down to no, lo and lr, and there's no go that then can be put there, because go is the most intense office, and up against single-family it seems inappropriate. I'm accepting that as a friendly amendment. I guess I need -- I need a second for that. so we have a motion to amend by council member morrison on tract aq to change from the planning commission recommendation of office land use to -- is the correct term neighborhood partial or neighborhood -- it's -- yeah, neighborhood commercial is the land use.

The tract just to the south of it that abuts 290, the future land use map recommends neighborhood mixed use, so then that would -- that tract that councilwoman morrison amended would just be neighborhood commercial. and so not -- so does neighborhood mixed use -- is that essentially a combination of neighborhood commercial with the opportunity for commercial?

Right. Neighborhood commercial would not allow [inaudible] and I'd be fine with having the mixed use to have it neighborhood mixed use. I think we got into this because it's actually zoned lo right now, so I'd also be certainly open to making a friendly amendment to make it neighborhood mixed use. on first reading I'll second neighborhood mixed use as the designation on aq. Further comments on our motion and second to amend? Hearing none, all in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion to amend passes on a vote of 7-0. That takes us back to our amended main motion. Further motions to amend?

May I just point something out?

Mayor wynn: please.

That tract 3 for rezoning, planning commission recommendation was for just lr since they did not have the request for mu to be added at the time they made that recommendation. The staff's recommendation is for lr-mu, so just point that out that if council supported that zoning to have mu added, that that would have to be noted. thank you for -- in fact, I wrote that down on my sheet in pencil, just didn't catch it myself. So as chair I can't make a motion but I would be supportive of one that would add mixed use to the zoning, planning commission recommendation of the zoning on tract 3 as.

Second. so we've got a motion by mayor pro tem, second by council member cole, to amend the zoning category, the planning commission recommendation on tract 3 and as from lrmp to lr-mu np, add mixed use. Motion and second on the table to amend. Comments on the motion? Hearing none, all in favor

please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion to amend passes on a vote of 7-0. Again takes us back to our main motion.

Okay. There was something else we noticed. When councilwoman morrison made the motion for tract 6, for the indefinite postponement, it is our understanding it did not include at for the future land use, or should it have? Because the mayor's motion was for both 6 and at. So we wanted to clarify that. well, so it's just -- our sheet just shows this one tract as 6 and at, right?

6 Relates to just the zoning, and at relates to the future land use recommendation. So we're just trying to clarify -- I believe the motion was to postpone --

postpone indefinitely tract 6, which would be just the zoning. She didn't mention at, meaning the land use. So we just wanted to clarify if -- what your intention really was.

Mayor wynn: both, right? both is fine, yeah. both the zoning and the land use designation. Again, further motions to amend? We have the main motion, first reading only. And what's -- you know, what's the staff prediction on the timing of when second and/or third readings would be available for us? I know we've made a bunch of requests for additional information and analyses.

We would say no sooner december 11. We're actually going to talk about the meeting with staff tomorrow, but it would probably be no sooner than the 11th. so realistically there's only one more meeting of the calendar year. We meet again the 18th and don't meet again until sometime in january. Okay. Just want folks to get a feel for the likely timing. Again, any other additional motions to amend this combined public hearing, zoning cases, land use map designations, case 94 and 95. Again, we have an amended main motion on the table, first reading only. Hearing no further comments, all in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes first reading only on a vote of 7-0. Thank you all.

Concludes our zoning items this evening.

Mayor wynn: it does. So there being no more posted business before this meeting of the austin city council we stand adjourned. It is 10:15 p.m.

End of Council Session Closed Caption Log

